

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - N/S Marriottsville Road, 1650' W of the c/l of Lyons Mill Road (Rolling Ridge, Sec. 3, 4 & 5) 2nd Election District 3rd Councilmanic District

\* BEFORE THE DEPUTY ZONING COMMISSIONER \* OF BALTIMORE COUNTY \* Case No. 93-165-SPHA

Pulte Home Corporation  
Petitioner

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Zoning Variance filed by the owner of the subject property, Pulte Home Corporation, by John E. Bittner, an Officer, through their attorney, Newton A. Williams, Esquire. The Petitioner requests a special hearing to approve an amendment to the Final Development Plan for Rolling Ridge, Sections 3, 4 and 5, and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.), pursuant to Section 504 thereof, as follows: from Section 1B01.2.C.1 of the B.C.Z.R. and Section V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a building to building separation of 20 feet in lieu of the required 30 feet for building heights between 30 feet and 40 feet for all lots; from Section 1B01.2.C.2.a of the B.C.Z.R. and Section V.B.5 of the C.M.D.P. to permit a window to tract boundary separation of 15 feet in lieu of the required 35 feet for Lots 253 and 254; from Section V.B.5.b of the C.M.D.P. to permit a building to tract boundary separation of 15 feet in lieu of the required 30 feet for Lots 253 and 254; from Section V.B.6 of the C.M.D.P. to permit side window to street right-of-way separations of 15 feet in lieu of the required 25 feet for Lots 112, 116, 124, 147, 150, 151, 153, 168, 169, 171, 186, 196, 202, 203, 207, 215, 217, 226, 237, 260, 263 and 268; from Section V.B.6.b of the C.M.D.P. to permit a window

to side lot line separation of 10 feet in lieu of the required 15 feet for all lots; and from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of the C.M.D.P. to permit a side window to side window separation of 20 feet in lieu of the required 40 feet for all lots, all as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petitioner was Jim Dean, Land Development Manager for Pulte Home Corporation, and George Gavrellis and Dick Baummer, Land Planning and Engineering consultants with Daft-McCune-Walker, Inc. The Petitioners were represented by Newton A. Williams, Esquire. There were no Protestants at the hearing.

Testimony indicated that the subject property, known as Sections 3, 4 and 5 of the Rolling Ridge subdivision, is located on the north side of Lyons Mill Road in the Owings Mills section of Baltimore County. The Petitioner proposes to develop this property with 275 single family dwellings. Testimony indicated that although Sections 3, 4 and 5 of Rolling Ridge have not yet been developed, grading has been accomplished and curb and gutter and water and sewer facilities have been installed. Through the course of developing this site, the Petitioner has learned that prospective purchasers of homes in this development are consistently buying the larger, more expensive home offered by the Petitioner. The purchasers are also choosing options and upgrades that require the installation of windows on the sides of these larger homes. Because this property received CRG approval under the old Comprehensive Manual of Development Policies (C.M.D.P.), it has been very difficult for the developer to find suitable lots on which to locate the larger homes. Consequently, the Petitioner filed the instant petitions in order to satisfy the needs of potential homebuyers and to bring the subject development into compliance with cur-

rent C.M.D.P. regulations. Testimony indicated that the proposed changes for Sections 3, 4 and 5 of Rolling Ridge received Office of Planning and Zoning approval. In addition, the proposed changes were brought before the Baltimore County Planning Board which also approved same. Testimony revealed that by virtue of granting the relief requested herein, the development of Sections 3, 4 and 5 of Rolling Ridge will be more uniform and more aesthetically pleasing.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether the grant would cause practical difficulty to the Petitioner and his property; and
- 2) whether the grant would be a substantial injustice to the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11/16 day of January, 1993 that the Petition for Special Hearing to approve an amendment to the Final Development Plan for Rolling Ridge, Sections 3, 4 and 5, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from the Baltimore County Zoning Regulations (B.C.Z.R.), pursuant to Section 504 thereof, as follows: from Section 1B01.2.C.1 of the B.C.Z.R. and Section V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a building to building separation of 20 feet

in lieu of the required 40 feet for building heights between 30 feet and 40 feet for all lots; from Section 1B01.2.C.2.a of the B.C.Z.R. and Section V.B.5 of the C.M.D.P., to permit a window to tract boundary separation of 15 feet in lieu of the required 35 feet for Lots 253 and 254; from Section V.B.5.b of the C.M.D.P. to permit a building to tract boundary separation of 15 feet in lieu of the required 30 feet for Lots 253 and 254; from Section V.B.6 of the C.M.D.P. to permit side window to street right-of-way separations of 15 feet in lieu of the required 25 feet for Lots 112, 116, 124, 147, 150, 151, 153, 168, 169, 171, 186, 196, 202, 203, 207, 215, 217, 226, 237, 260, 263 and 268; from Section V.B.6.b of the C.M.D.P. to permit a window to side lot line separation of 10 feet in lieu of the required 15 feet for all lots; and from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of the C.M.D.P. to permit a side window to side window separation of 20 feet in lieu of the required 40 feet for all lots, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

January 11, 1993

Newton A. Williams, Esquire  
210 W. Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE  
N/S Marriottsville Road, 1650' W of the c/l of Lyons Mill Road  
(Sections 3, 4 and 5 of Rolling Ridge)  
2nd Election District - 3rd Councilmanic District  
Pulte Home Corporation - Petitioner  
Case No. 93-165-SPHA

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

THK:bjs

cc: People's Counsel  
file

## Petition for Special Hearing

93-165-SPHA  
to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment of the Final Development Plan as shown on the attached site exhibit.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Newton A. Williams, Esquire

Nolan, Plumbhoff & Williams, Chd.

(Type or Print Name)

Address

City and State

Towson, Maryland 21204

City and State

Attorney's Telephone No.: 823-7800

Legal Owner(s):

Pulte Home Corporation

(Type or Print Name)

Signature

Address

City and State

1501 Edgewood Street, Suite K; 644-5603

Phone No.

Baltimore, Maryland 21227

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

City and State

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING - 1/2HR.

AVAILABLE FOR HEARING

ALL MON./TUES./WED. - NEXT TWO MONTHS

OTHER

REVIEWED BY: DATE: 11/16/93

## Petition for Variance

93-165-SPHA  
to the Zoning Commissioner of Baltimore County

for the property located at: Rolling Ridge

which is presently zoned D.R.3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s): (Indicate hardship or practical difficulty)

SEE ATTACHED SHEET

1. The requested variances are in accord with the new Regulations;
2. The requested variances will allow a better, more attractive mix of the units offered;
3. The requested variance will improve Rolling Ridge; and
4. That without the requested variances the Petitioners will sustain practical difficulty and undue hardship in the development of the property.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Newton A. Williams, Esquire

Nolan, Plumbhoff & Williams, Chd.

(Type or Print Name)

Address

City and State

Towson, Maryland 21204

City and State

Attorney for Petitioner:

Newton A. Williams, Esquire

Nolan, Plumbhoff & Williams, Chd.

(Type or Print Name)

Address

City and State

Towson, Maryland 21204

City and State

Attorney's Telephone No.: 823-7800

OFFICE USE ONLY

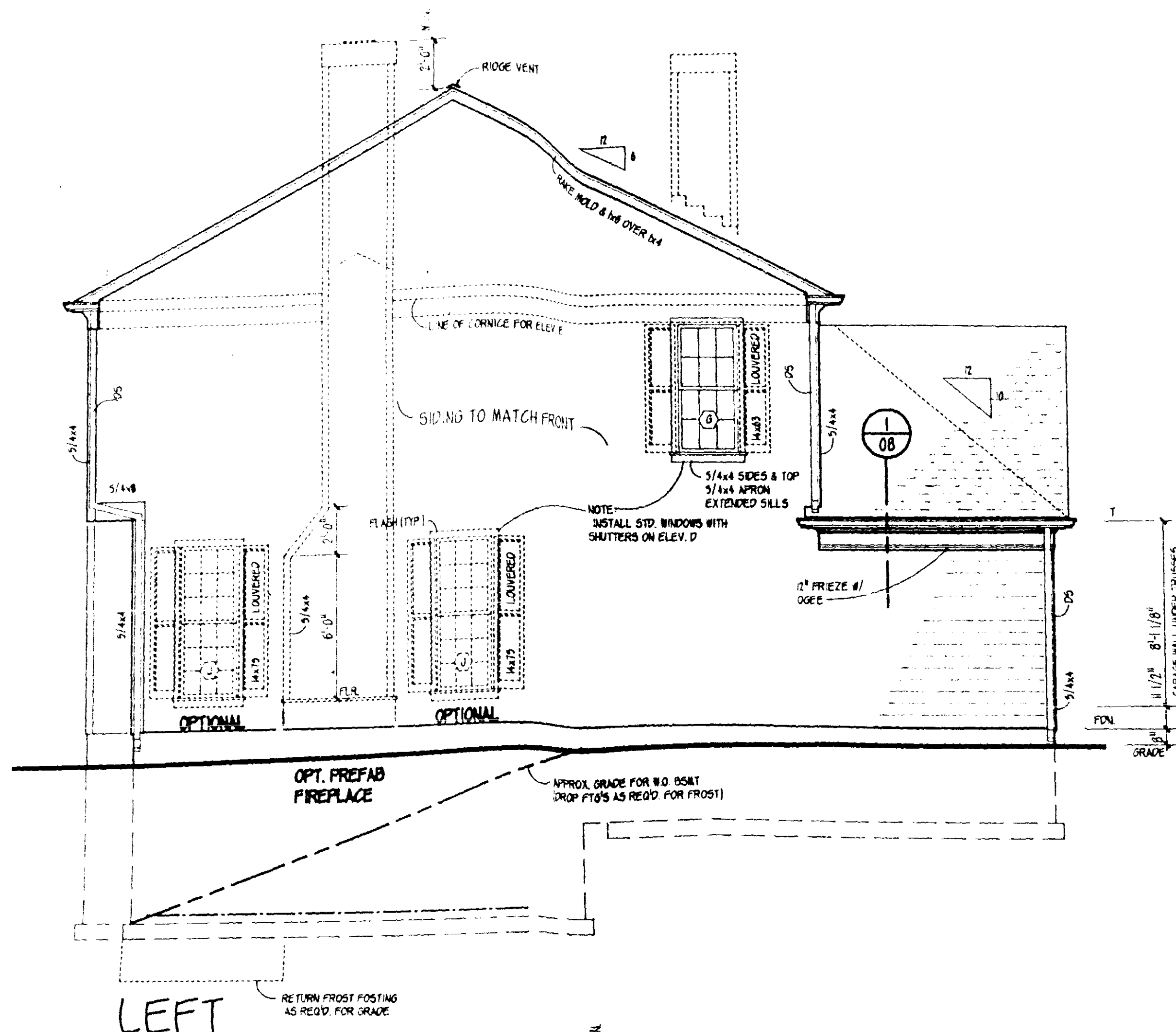
ESTIMATED LENGTH OF HEARING - 1/2HR.

AVAILABLE FOR HEARING

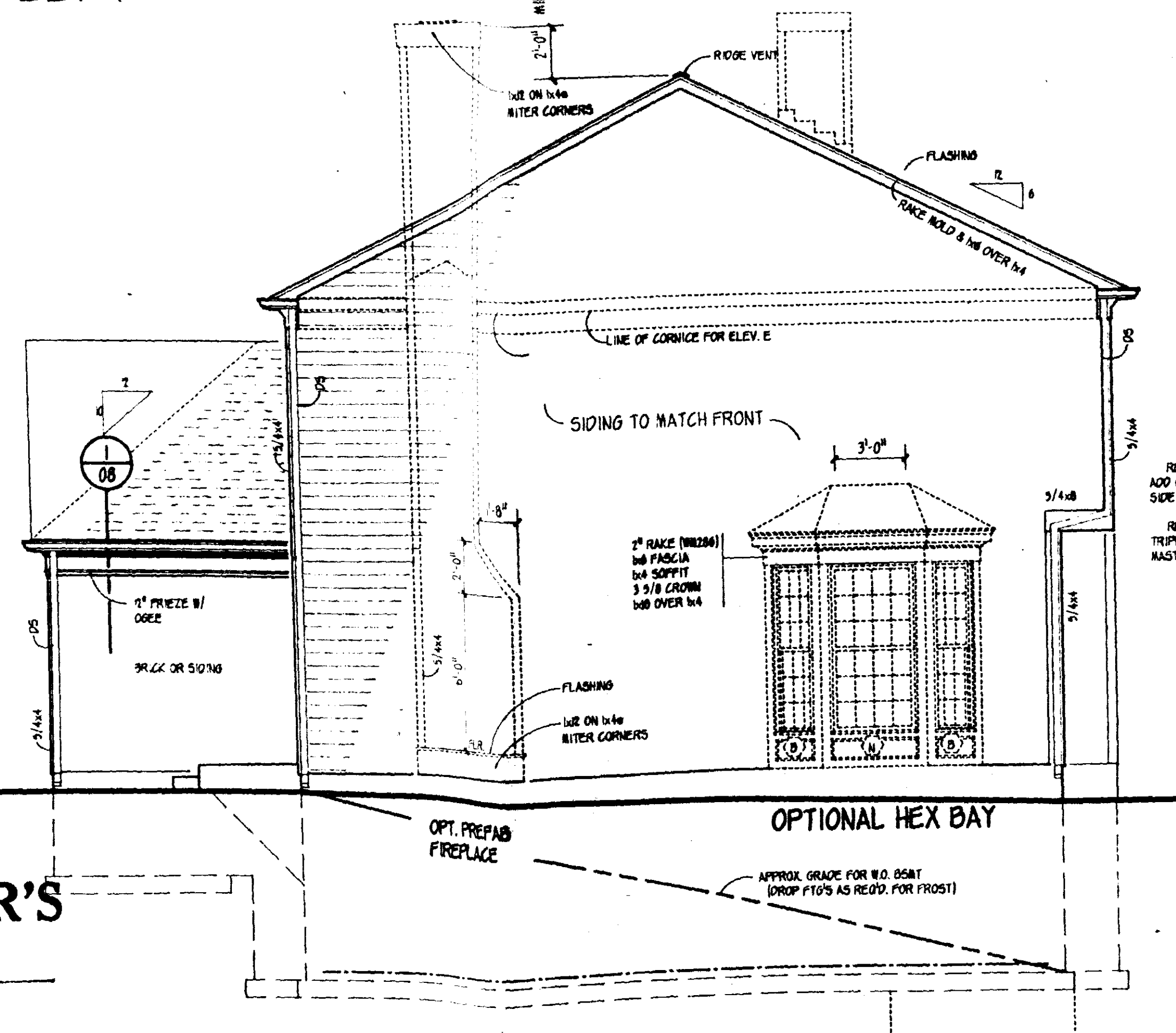
ALL MON./TUES./WED. - NEXT TWO MONTHS

OTHER

REVIEWED BY: DATE: 11/16/93



LEFT



RIGHT

MAXIMUM SIDE WINDOW RESTRICTIONS - WITH VARIANCE

© COPYRIGHT 1988, 1989 Pulte Home Corporation

MARYLAND DIVISION  
11120 NEW HAMPSHIRE AVENUE SUITE 208  
SILVER SPRING, MARYLAND 20904

PULTE  
Master Builder

TITLE  
THE BUCKINHAM II @ LYONS MANOR  
REAR & SIDE ELEVATIONS

DRAWN BY:	B. A. A.
DATE:	04-01-91
REV. No.	DATE
1	04-19-91
2	05-09-91

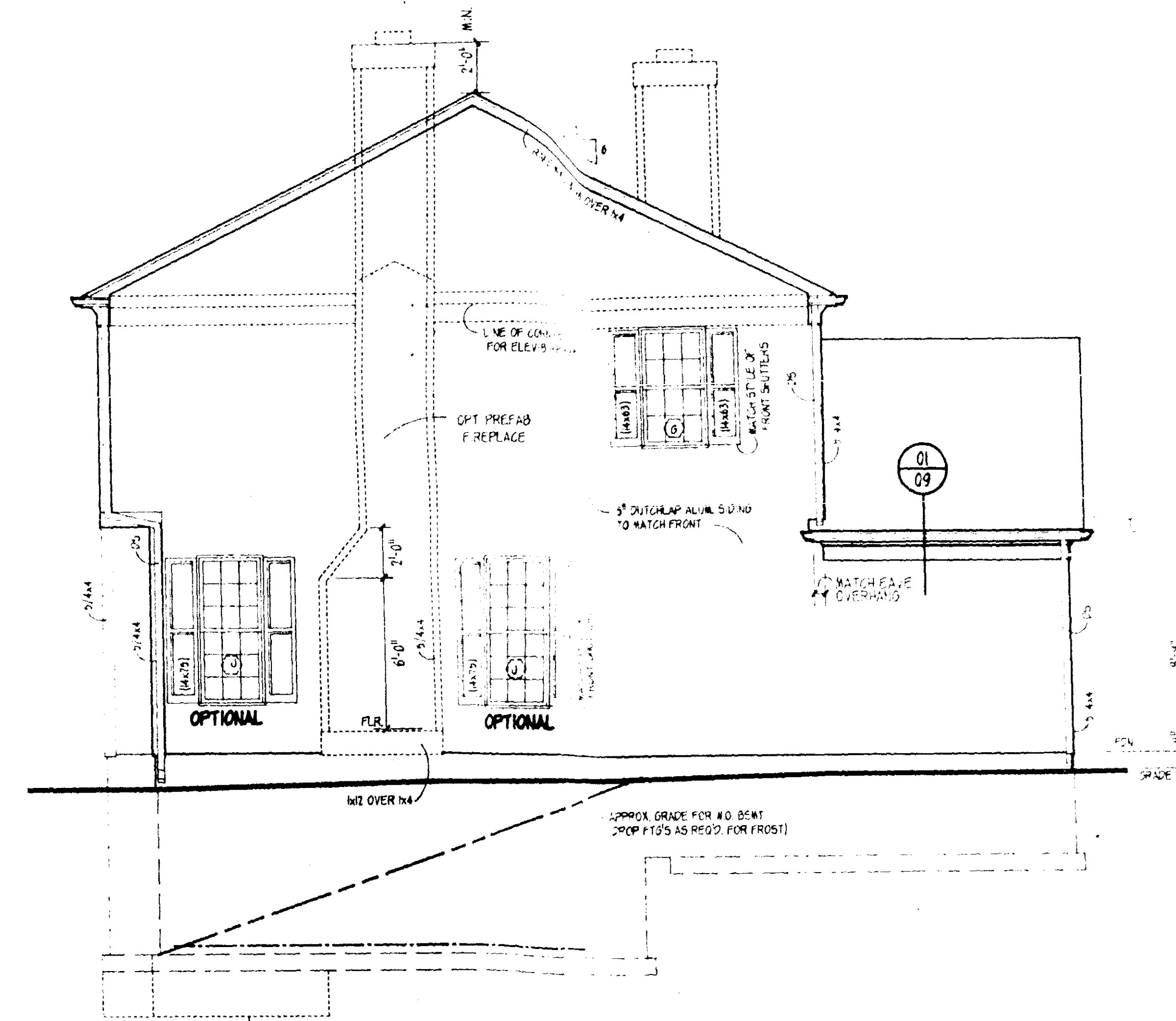
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2216

JOB No.  
912216

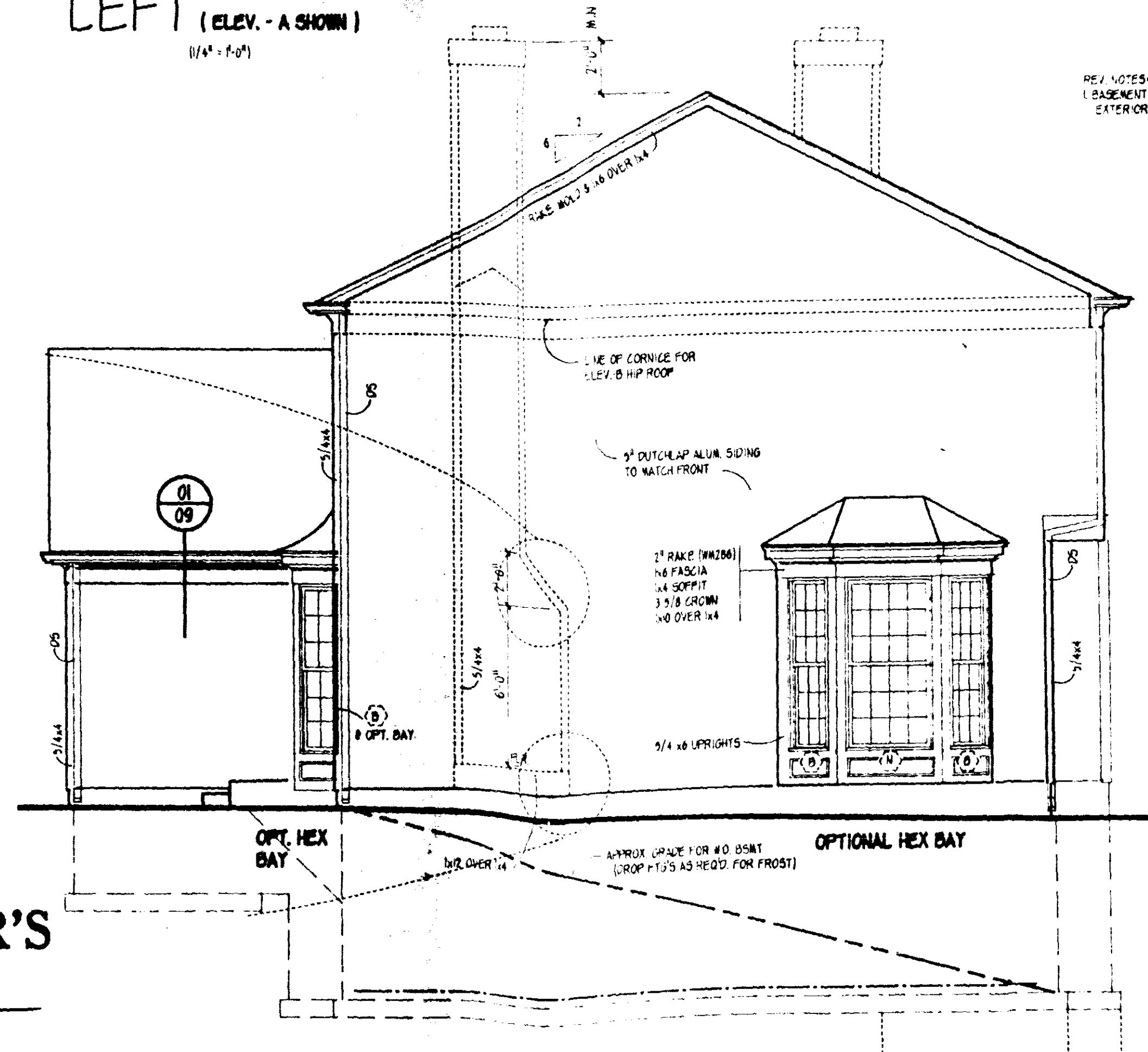
91221606

SHEET No.  
06

06



LEFT (ELEV. - A SHOWN)  
1/4\"/>



RIGHT (ELEV. - A SHOWN)  
1/4\"/>

MAXIMUM SIDE WINDOW RESTRICTIONS - WITH VARIANCE

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MARYLAND DIVISION  
11120 NEW HAMPSHIRE AVENUE SUITE 208  
SILVER SPRING, MARYLAND 20904

PULTE  
Master Builder

TITLE  
THE CHAUCER II @ LYONS MANOR  
REAR & SIDE ELEVATIONS

DRAWN BY:	B. A. A.
DATE:	3-19-91
REV. No.	DATE
1	5-16-91

PLAN No.  
2217

JOB No.  
912217

91221707

SHEET No.  
07

07

PETITIONER'S  
EXHIBIT 3

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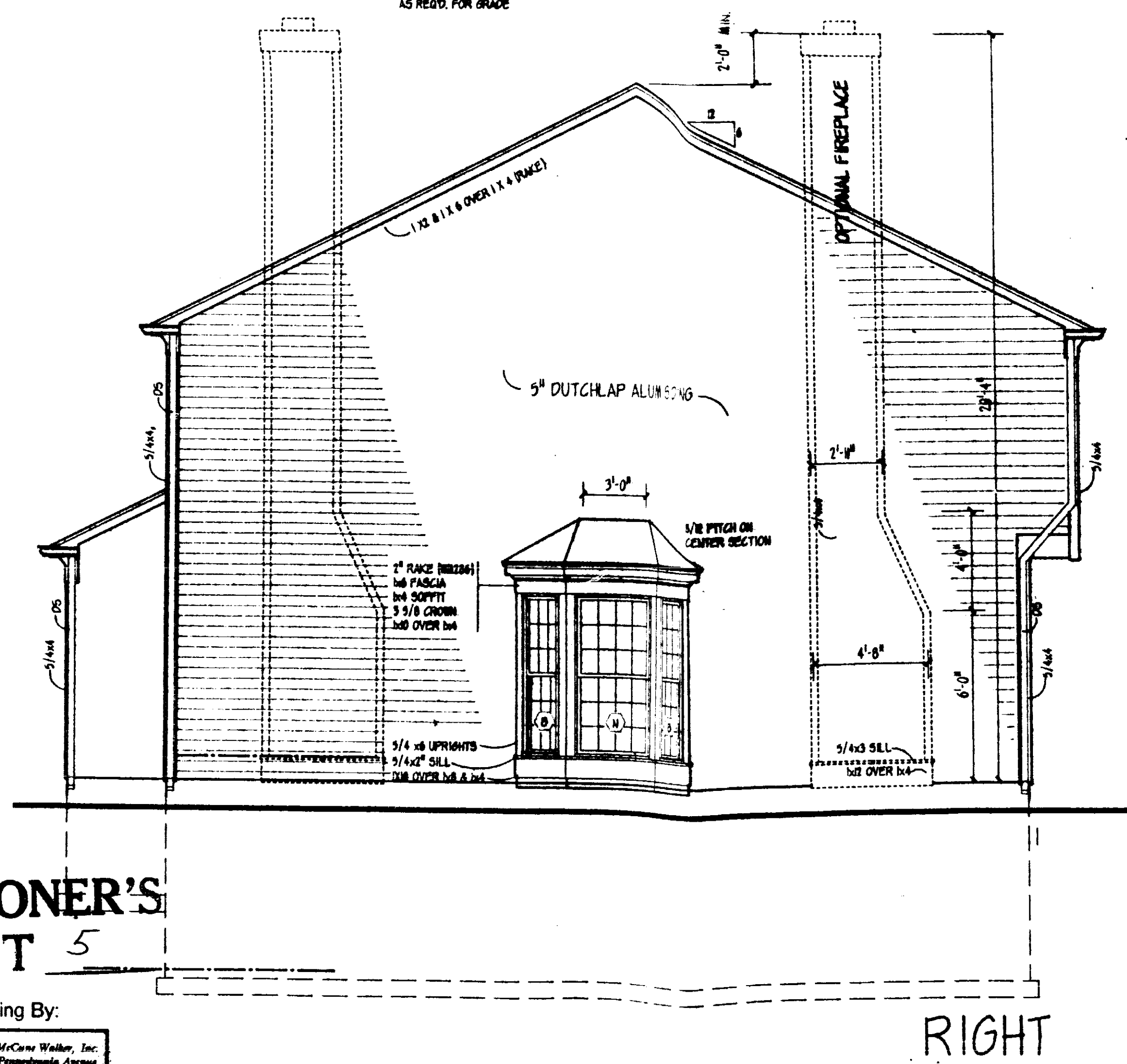
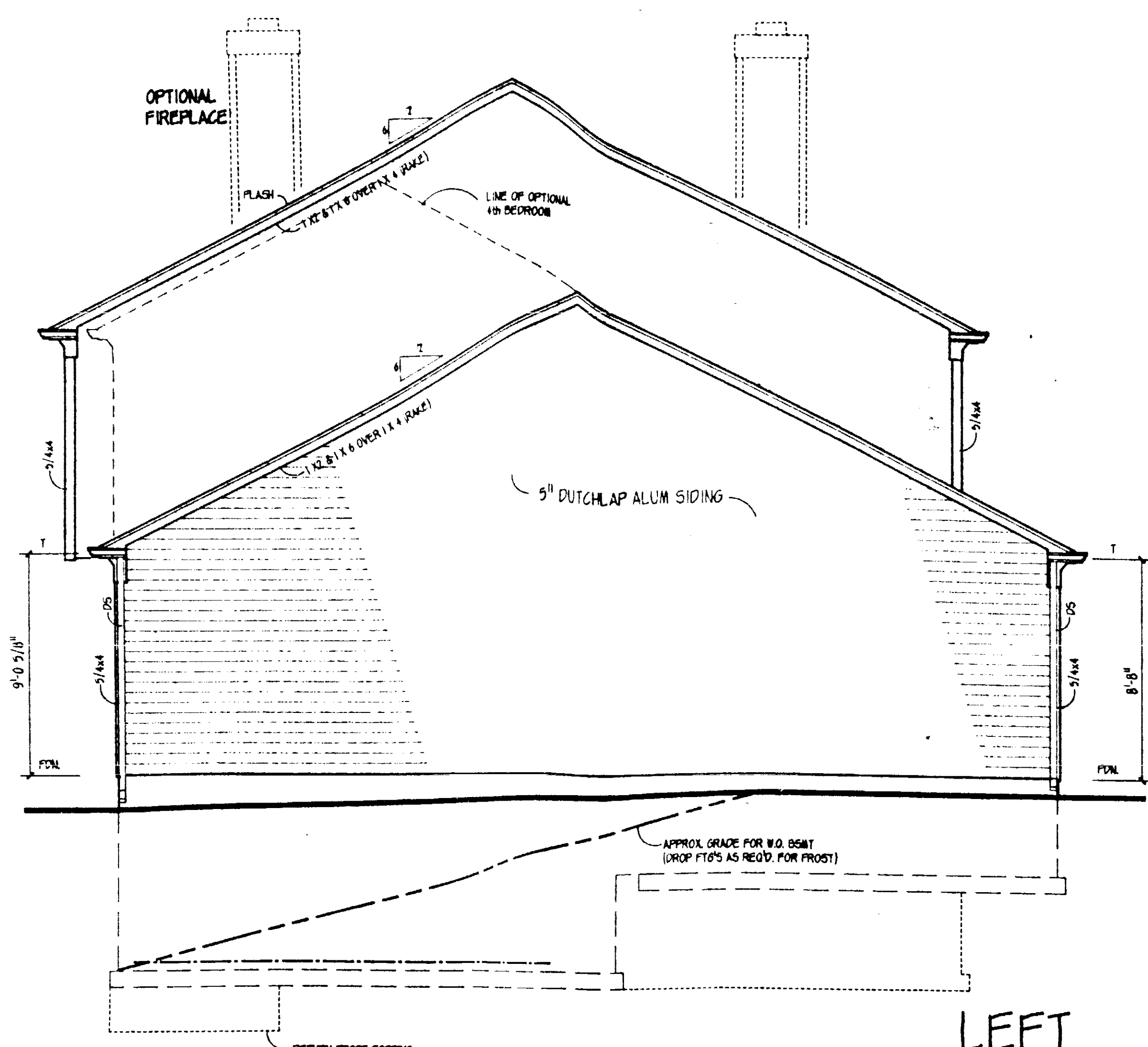
DMW  
Duff McCune Walker, Inc.  
200 E. Pennsylvania Avenue  
Towson, Maryland 21206  
(410) 296-3333  
Fax: 296-4765

PETITIONER'S  
EXHIBIT 4

Color Rendering By:

DMW  
Duff McCune Walker, Inc.  
200 E. Pennsylvania Avenue  
Towson, Maryland 21206  
(410) 296-3333  
Fax: 296-4765





**PETITIONER'S  
EXHIBIT 5**

Color Rendering By:  
**DMW** Duff, McCreary-Walker, Inc.  
200 S. Pennsylvania Avenue  
Towson, Maryland 21206  
(410) 286-8533  
Fax: 286-4705

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**MARYLAND DIVISION**  
11120 NEW HAMPSHIRE AVENUE SUITE 208  
SILVER SPRING, MARYLAND 20904



**THE WINDSOR @ LYONS MANOR**  
**REAR & SIDE ELEVATIONS**

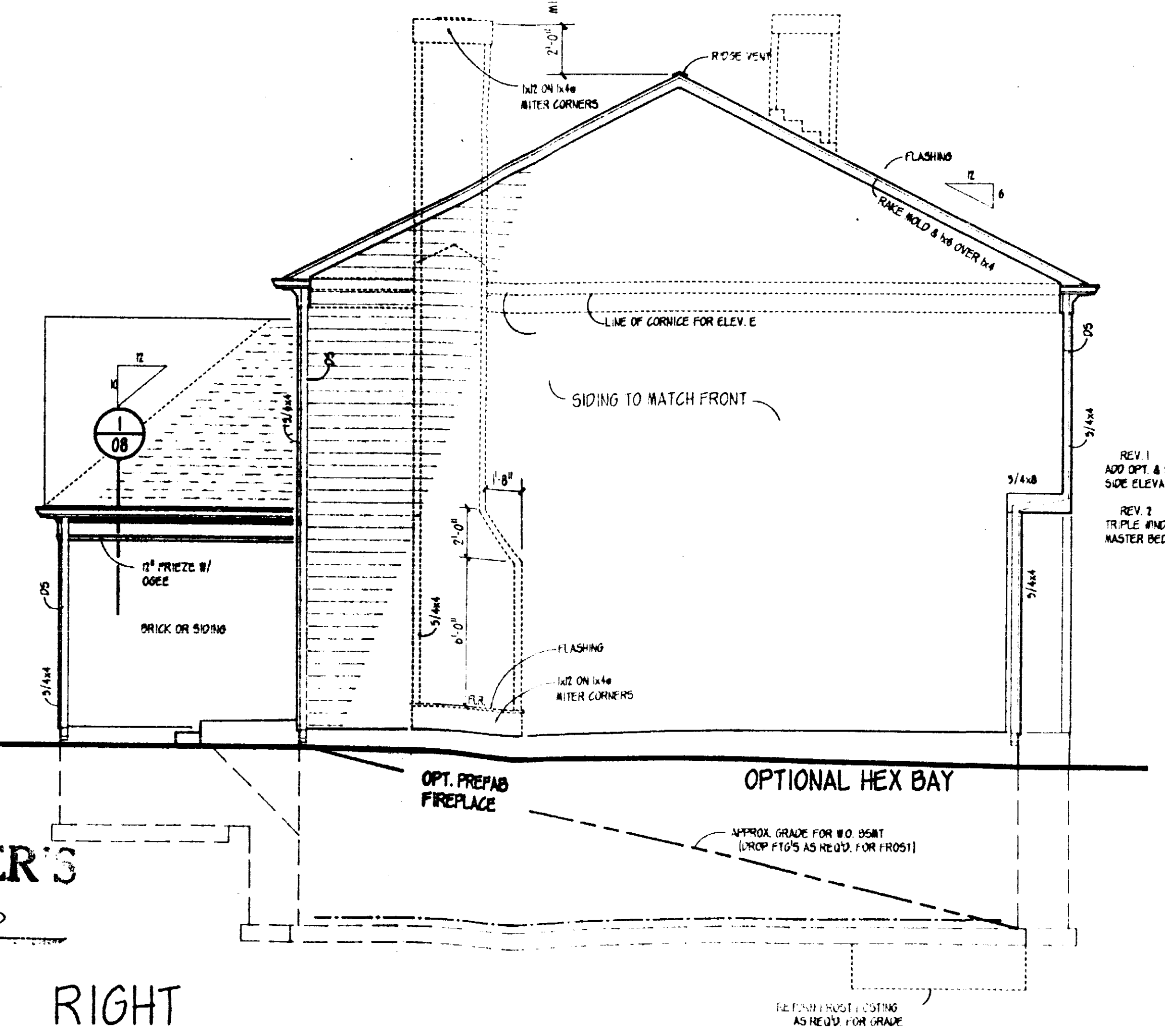
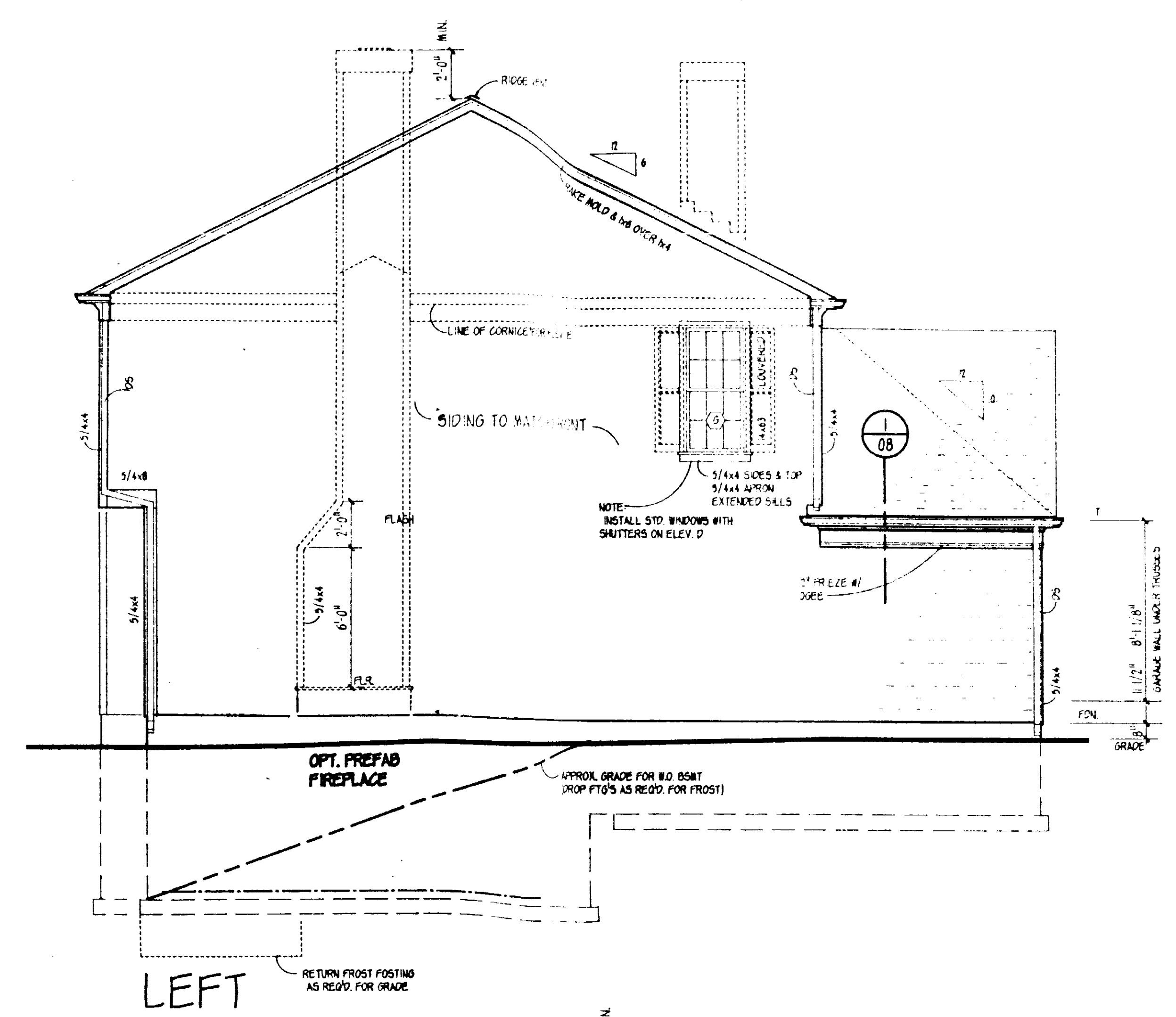
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DATE: 04-01-91  
REV No. DATE

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2	05-09-91

PLAN No.  
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JOB No.  
**912211**

91221106  
SHEET No.  
**06**



**PETITIONER'S  
EXHIBIT 6**

Color Rendering By:  
**DMW** Duff, McCreary-Walker, Inc.  
200 S. Pennsylvania Avenue  
Towson, Maryland 21206  
(410) 286-8533  
Fax: 286-4705

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**MARYLAND DIVISION**  
11120 NEW HAMPSHIRE AVENUE SUITE 208  
SILVER SPRING, MARYLAND 20904



**THE BUCKINGHAM II @ LYONS MANOR**  
**REAR & SIDE ELEVATIONS**

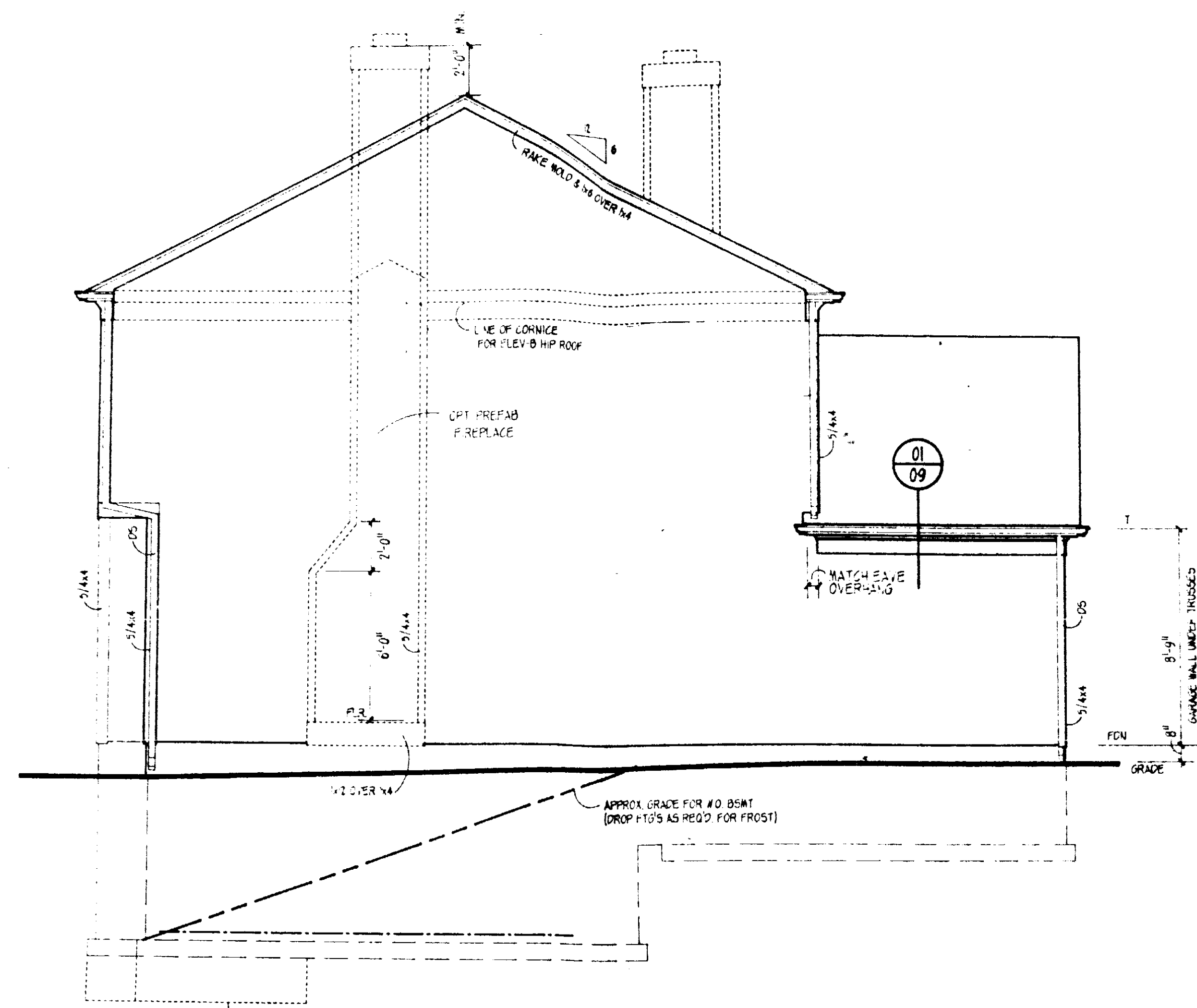
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DATE: 04-01-91  
REV No. DATE

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2	05-09-91

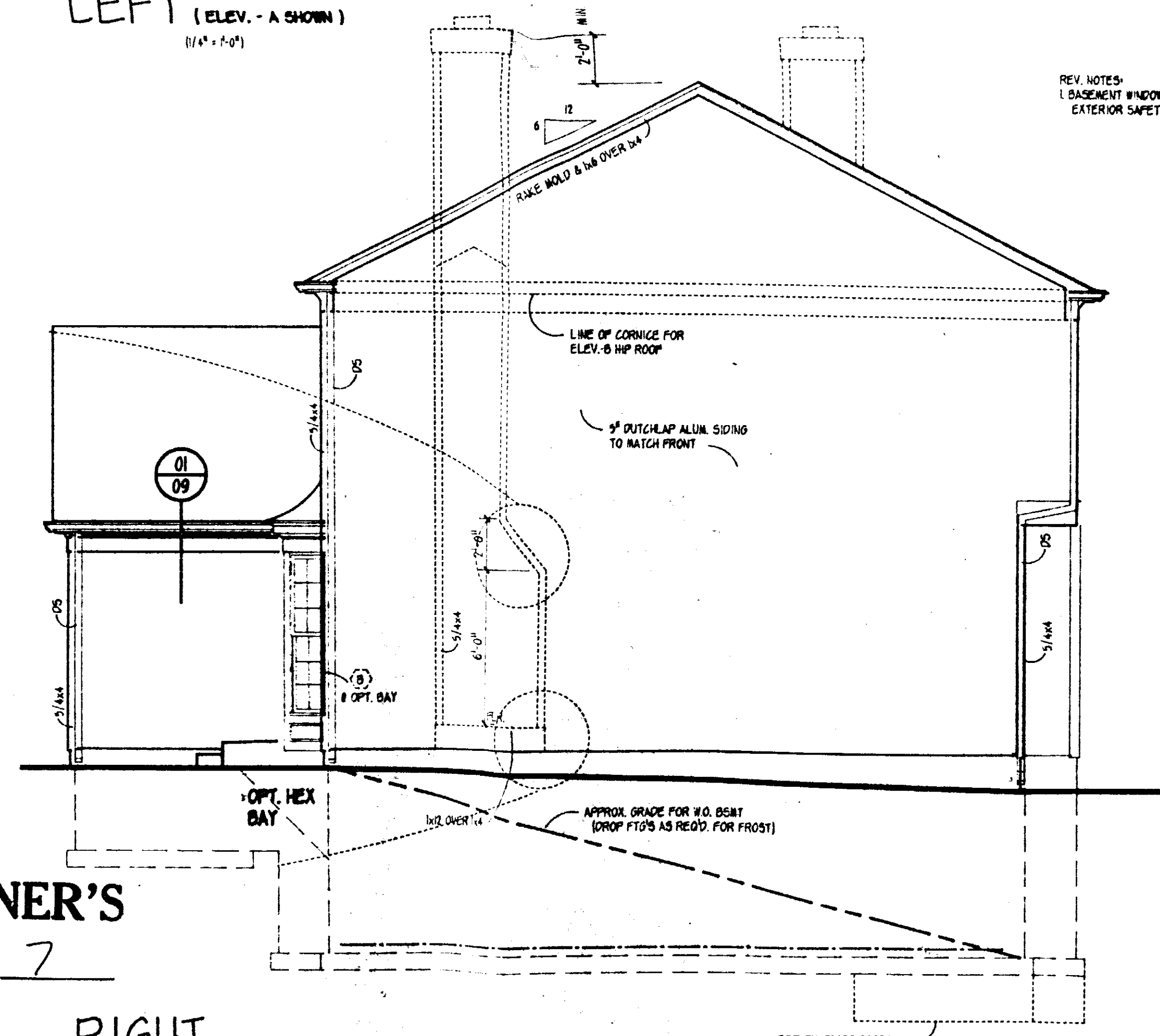
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JOB No.  
**912216**

91221606  
SHEET No.  
**06**



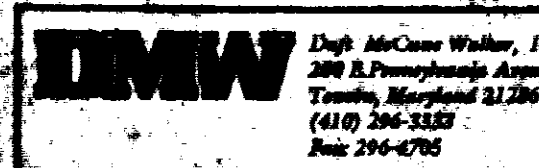
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(1/4" = 1'-0")



RIGHT (ELEV. - A SHOWN)  
(1/4" = 1'-0")

PETITIONER'S  
EXHIBIT 7

Color Rendering By:



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11120 NEW HAMPSHIRE AVENUE SUITE 208  
SILVER SPRING, MARYLAND 20904



THE CHAUCER II @ LYONS MANOR  
REAR & SIDE ELEVATIONS

DRAWN BY:	B. A. A.
DATE:	3-15-91
REV. No.	DATE
1	3-16-91

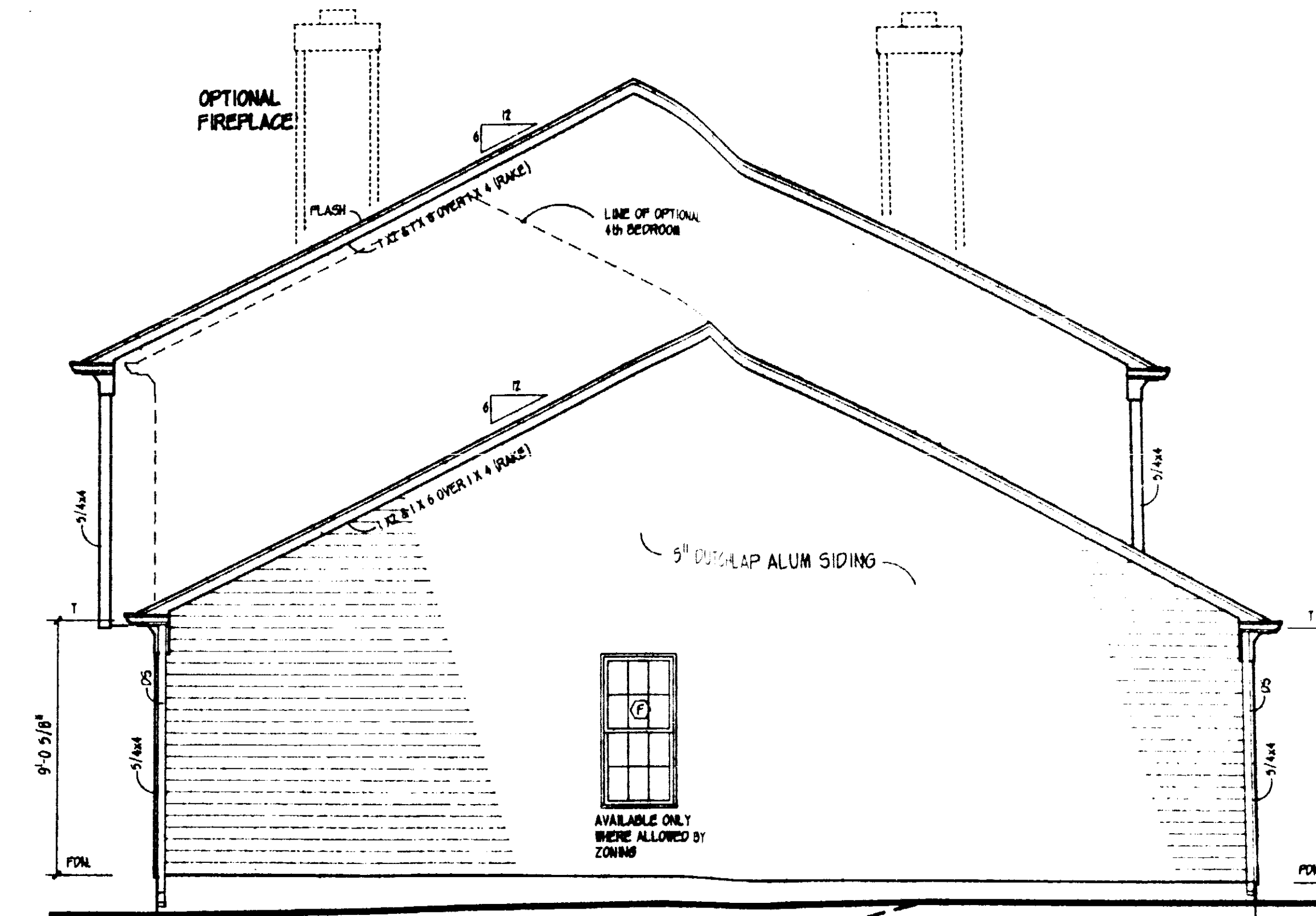
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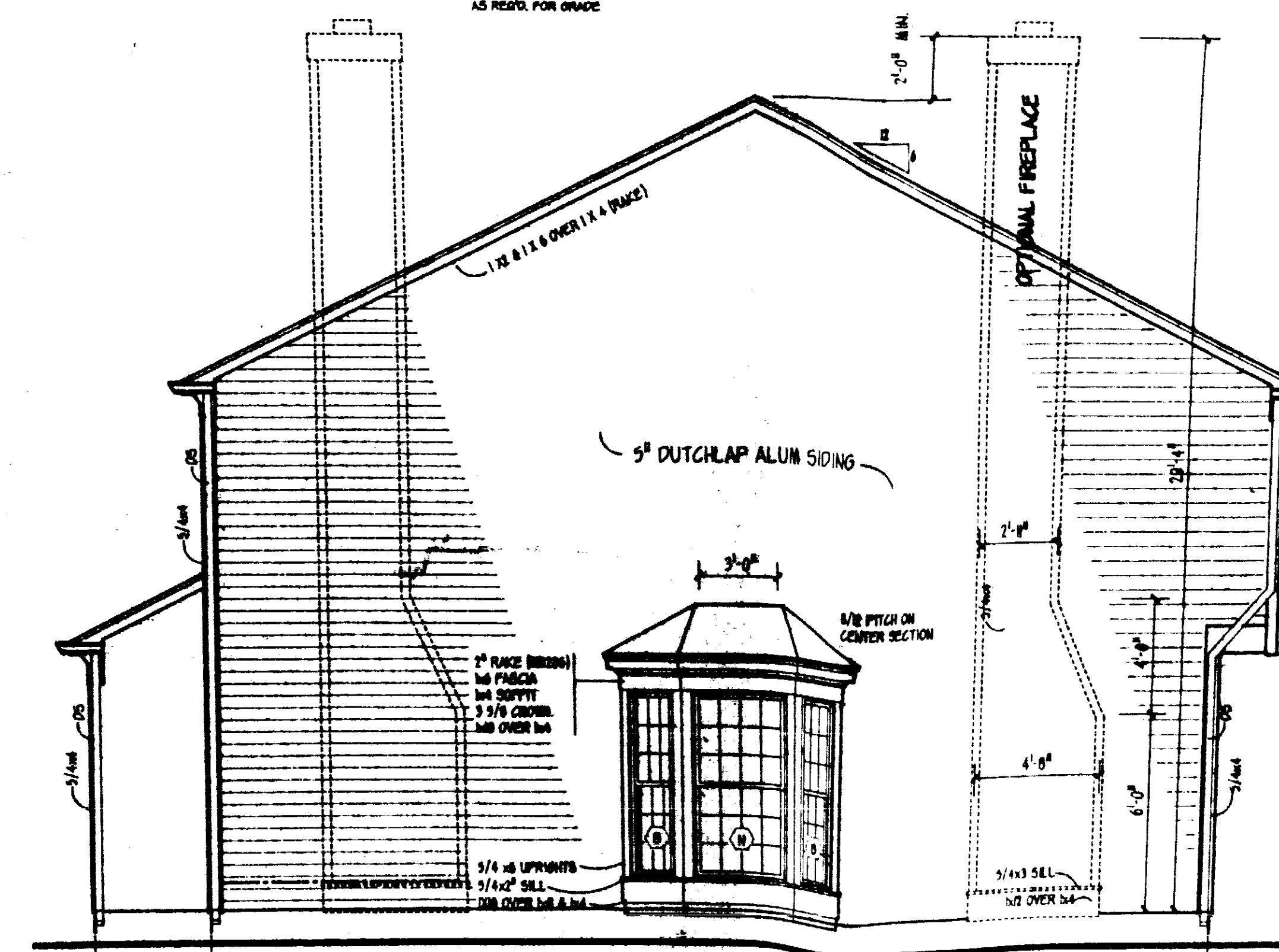
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OF --



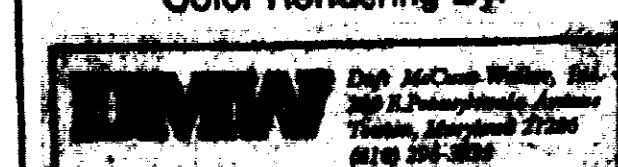
LEFT



RIGHT

PETITIONER'S  
EXHIBIT 8

Color Rendering By:



MAXIMUM SIDE WINDOW RESTRICTIONS - WITH VARIANCE

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11120 NEW HAMPSHIRE AVENUE SUITE 208  
SILVER SPRING, MARYLAND 20904



THE WINDSOR @ LYONS MANOR  
REAR & SIDE ELEVATIONS

DRAWN BY:	B. A. A.
DATE:	04-01-91
REV. No.	DATE
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PLAN No.  
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JOB No.  
912211

91221106

SHEET No.  
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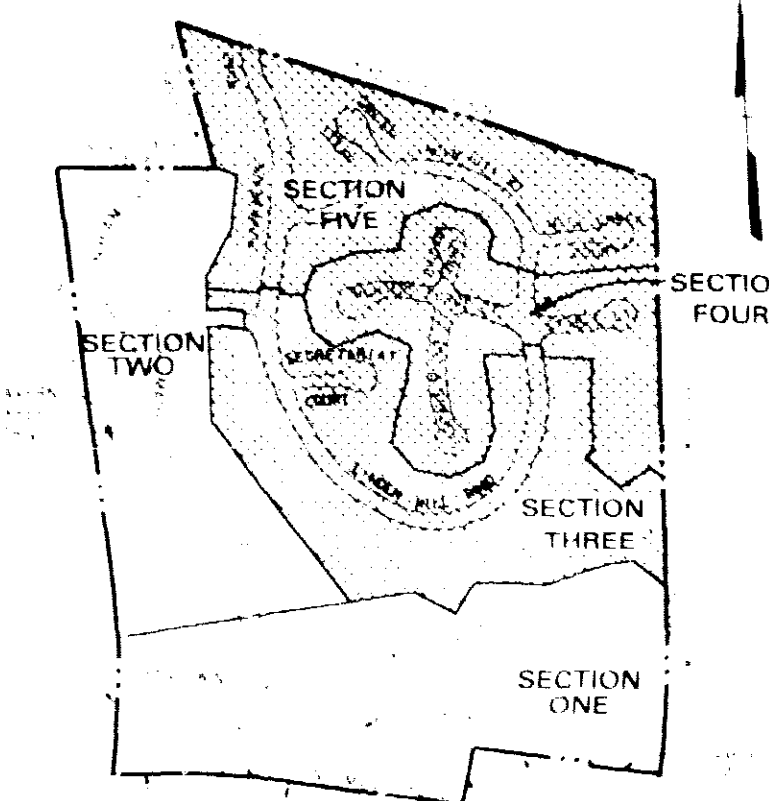
OF --



# DENSITY CHART

	SECTION THREE	SECTION FOUR	SECTION FIVE	PREVIOUS SECTIONS ONE & TWO	TOTAL
DENSITY : PERMITTED	* 20.48 Ac. x 3.5 = 71.68 D.U.	19.70 Ac. x 3.5 = 68.95 D.U.	15.27 Ac. x 3.5 = 53.45 D.U.	* 47.14 Ac. x 3.5 = 165 D.U.	102.59 Ac. x 3.5 = 359.1 D.U.
PROPOSED	57 single family units	58 single family units	49 single family units	111 single family units	275 single family units
PARKING : REQUIRED	57 units x 2 sp./unit = 114 sp.	58 units x 2 sp./unit = 116 sp.	49 units x 2 sp./unit = 98 sp.	111 units x 2 sp./unit = 222 sp.	275 units x 2 sp./unit = 550 sp.
PROPOSED	114 sp.	116 sp.	98 sp.	222 sp.	550 sp.
LOCAL OPEN SPACE : REQUIRED	57 units @ 650 sf/unit = 0.85 ac. +/-	58 units @ 650 sf/unit = 0.86 ac. +/-	49 units @ 650 sf/unit = 0.731 ac. +/-	111 units @ 650 sf/unit = 1.657 ac. +/-	275 units @ 650 sf/unit = 4.104 ac. +/-
PROPOSED	5.603 ac. +/-	0.745 ac. +/-	2.003 ac. +/-	5.808 ac. +/-	14.159 ac. +/-

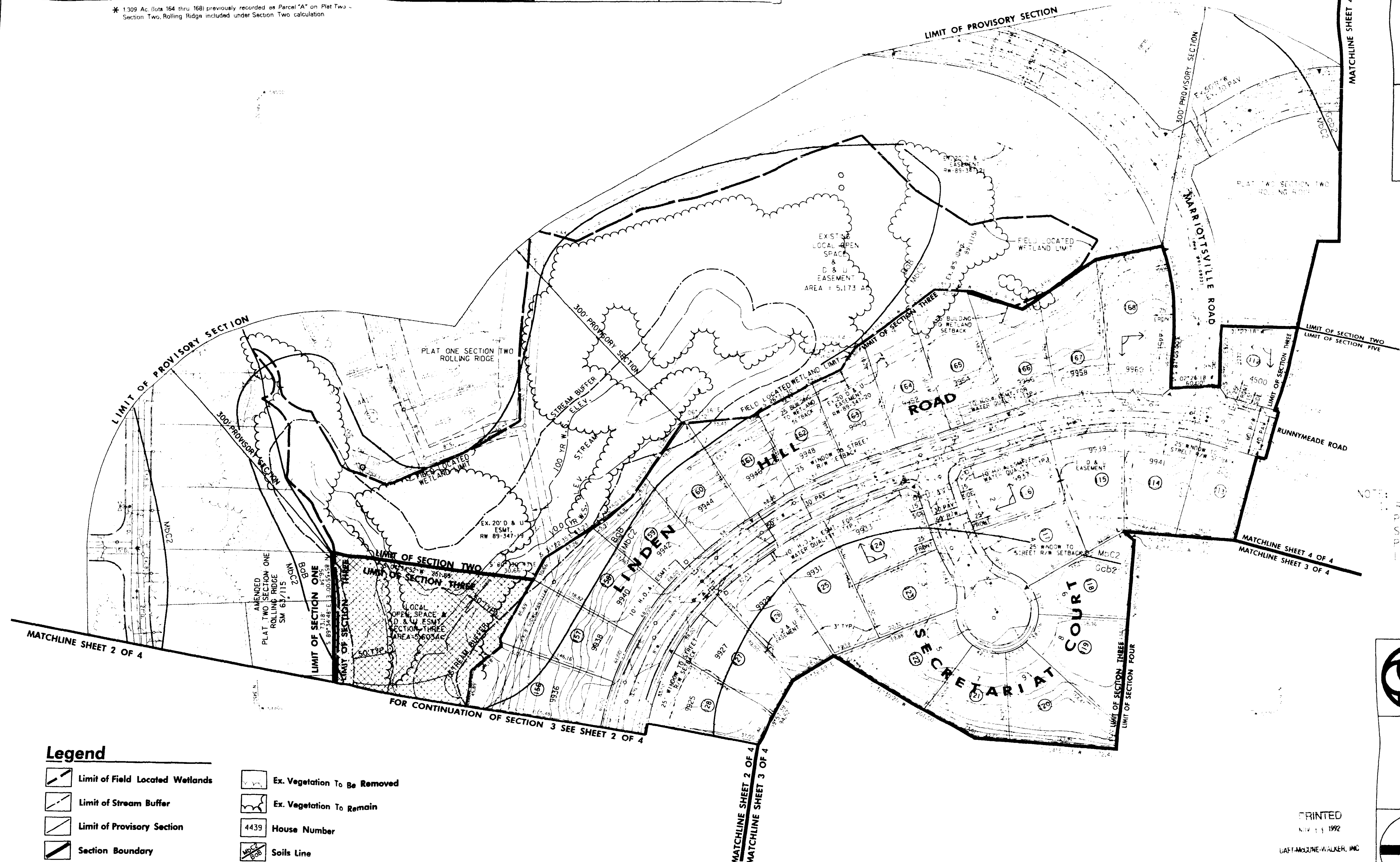
\* 1309 Ac. lots 164 thru 168 previously recorded as Parcel "A" on Plat Two - Section Two. Rolling Ridge included under Section Two calculation.



LOCATION MAP

## DRAWING INDEX

SHEET 1: Section Three & Density Calculations  
SHEET 2: Section Three & General Notes  
SHEET 3: Section Four & Details  
SHEET 4: Section Five



## Legend

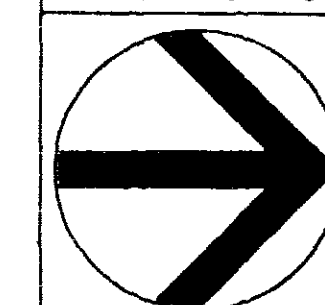
- Limit of Field Located Wetlands
- Limit of Stream Buffer
- Limit of Provisory Section
- Section Boundary
- Local Open Space
- Proposed Street Light
- Ex. Vegetation To Be Removed
- Ex. Vegetation To Remain
- 4439 House Number
- Soils Line
- Building Envelope

## PETITIONER'S EXHIBIT 10

DAFT McCUNE WALKER INC.

## FIRST AMENDED PARTIAL DEVELOPMENT PLAN ROLLING RIDGE SECTIONS THREE, FOUR, & FIVE

SECTION THREE  
ELECTION DISTRICT 2 - BALTIMORE COUNTY, MARYLAND



SCALE:  
1" = 50'  
JOB ORDER NO.  
84063E  
ISSUE DATE  
OCT. 10 1991

PRINTED  
NOV 13 1992

DAFT McCUNE WALKER, INC.

DATE	REVISIONS

1 OF 4



# LISTING OF VARIANCES REQUESTED

93-165-SHA

- A. Section 1801.2.C.1.B.C.Z.R. and CNDP Section V.B.3 pursuant to Section 504 B.C.Z.R. to permit 20' Building Separation in lieu of the required 40' for heights between 30' and 40', for all lots.
- B. Section 1801.2.C.2.a B.C.Z.R. and CNDP Section V.B.5. a pursuant to Section 504 B.C.Z.R. to permit Window to Tract Boundary Separations of 15' in lieu of the required 35' for lots 253 and 254.
- C. CNDP Section V.B.5.b. pursuant to Section 504 B.C.Z.R. to permit Building to Tract Boundary Separation of 15' in lieu of the required 30' for lots 253 and 254.
- D. CNDP Section V.B.6. a pursuant to Section 504 B.C.Z.R. to permit Side Window to Street Right-of-Way Separations of 15' in lieu of the required 25' for lots 112, 116, 124, 147, 150, 151, 153, 168, 169, 171, 186, 196, 202, 203, 207, 215, 217, 226, 237, 260, 263, and 268.
- E. CNDP Section V.B.6.b pursuant to Section 504 B.C.Z.R. to permit 10' Window to Side Lot Line Separation in lieu of the required 15' for all lots.
- F. Section 1801.2.C.2.b B.C.Z.R. and CNDP Section V.B.6.c pursuant to Section 504 B.C.Z.R. to permit 20' Side Window to Side Window Separation in lieu of the required 40', for all lots.

## Description

93-165-SHA

to Accompany Petition for Zoning Variance  
of 56.758 Acre Parcel, a Part of "Rolling Ridge",  
North of Lyons Mill Road, East of Deer Park Road,  
Second Election District, Baltimore County, Maryland



Dale M. Conner, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21206

410 286 3333

Fax 286 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same on the north side of Marriottville Road, as shown on "Plat Two, Section Two, Rolling Ridge" recorded among the Land Records of Baltimore County, Maryland, in Plat Book S.M. 63, Page 146, and at the southeast corner of Lot 101 shown on said plat, said beginning point being distant 221.68 feet as measured northeasterly and easterly along the northwest and north side of said Marriottville Road from its intersection with the centerline of Cheltenham Court, 50 feet wide, as shown on said plat, said point of intersection being distant 30 feet, more or less, as measured North 29 degrees 00 minutes 00 seconds West along said centerline of Cheltenham Court from its intersection with the centerline of said Marriottville Road, running thence binding on a part of the east outline of the land shown on said plat two courses: (1) North 01 degree 27 minutes 18 seconds East 94.30 feet, and (2) North 14 degrees 15 minutes 00 seconds East 470.36 feet, thence along a part of the north outline of said land, (3) South 82 degrees 48 minutes 10 seconds West 73.78 feet, thence three courses: (4) North 08 degrees 22 minutes 56 seconds West 548.79 feet, (5) South 71 degrees 01 minute 57 seconds East 1578.76 feet, and (6) South 05 degrees 45 minutes 46 seconds West 1154.24 feet to the northeast corner of the land shown on "Plat Two, Section Three, Rolling Ridge" recorded among the aforementioned Land Records in Plat Book S.M. 64, Page 74, thence binding on the

Page 1 of 3

#173

east outline of said last mentioned land, (7) South 05 degrees 45 minutes 46 seconds West 603.23 feet, thence binding on the south outline of said last mentioned land nine courses: (8) North 30 degrees 20 minutes 00 seconds West 138.29 feet, (9) North 85 degrees 45 minutes 00 seconds West 189.62 feet, (10) North 75 degrees 05 minutes 00 seconds West 80.30 feet, (11) South 84 degrees 10 minutes 00 seconds West 293.13 feet, (12) South 38 degrees 40 minutes 00 seconds West 151.17 feet, (13) South 83 degrees 10 minutes 00 seconds West 40.87 feet, (14) North 16 degrees 20 minutes 00 seconds West 39.86 feet, (15) North 02 degrees 33 minutes 50 seconds West 40.80 feet, and (16) North 75 degrees 01 minute 30 seconds West 33.74 feet, thence binding on the south outline of the land shown on "Plat One, Section Three, Rolling Ridge" recorded among the aforementioned Land Records in Plat Book S.M. 64, Page 73, two courses: (17) North 89 degrees 34 minutes 48 seconds West 129.48 feet, and (18) South 85 degrees 55 minutes 00 seconds West 58.34 feet, thence binding on the west and southwest outline of said last mentioned land thirteen courses: (19) North 07 degrees 34 minutes 52 seconds East 251.89 feet, (20) North 60 degrees 30 minutes 43 seconds West 30.66 feet, (21) North 31 degrees 22 minutes 35 seconds West 83.23 feet, (22) North 40 degrees 50 minutes 10 seconds West 44.91 feet, (23) North 54 degrees 57 minutes 02 seconds West 108.40 feet, (24) North 06 degrees 11 minutes 16 seconds West 78.72 feet, (25) North 26 degrees 31 minutes 30 seconds West 128.14 feet, (26) North 59 degrees 19 minutes 24 seconds West 37.60 feet, (27) North 37 degrees 36 minutes 54 seconds West 118.28 feet, (28) North 03 degrees 07 minutes 40 seconds East 40.35 feet, (29) North 16 degrees 26 minutes 18 seconds East 70.61 feet, (30) North 34 degrees 13 minutes 56 seconds West 108.87 feet, and (31) North 12 degrees 10 minutes 00 seconds West 84.47 feet to a point on the south side of Marriottville Road, as shown on said last mentioned plat, thence

Page 2 of 3

binding on said south side of Marriottville Road two courses: (32) Easterly, by a curve to the right with the radius of 313.50 feet, the arc distance of 107.79 feet, said arc being subtended by a chord bearing North 83 degrees 03 minutes 58 seconds East 107.27 feet, and (33) South 87 degrees 05 minutes 00 seconds East 70.86 feet, thence by a line across Marriottville Road shown on said last mentioned plat, (34) North 02 degrees 26 minutes 18 seconds East 60.00 feet to a point on the north side of said Marriottville Road, and thence binding on said north side of Marriottville Road, (35) North 87 degrees 05 minutes 00 seconds West 82.97 feet to the point of beginning; containing 56.758 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

November 4, 1992

Project No. 84063.L (L84063L)

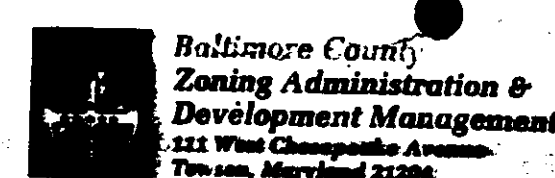


Page 3 of 3

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

93-165-SHA

District: 2nd Date of Posting: 12/1/92  
Posted for: Special Hearing & Variance  
Petitioner: Pulte Home Corp.  
Location of property: N/S Marriottville Rd., 1650' W of c/l Lyons Mill Rd.  
Rolling Ridge - Sect. 3, 4 & 5  
Location of Signs: Posted at entrance to development, on Lyons Mill Rd.  
Remarks:  
Posted by: [Signature] Date of return: 12/1/92  
Number of Signs: 3



receipt

Date: 12/1/92 H#000173  
PUBLIC HEARING FEES QTY PRICE  
080 - POSTING SIGNS / ADVERTISING 1 X \$131.02  
TOTAL: \$131.02  
LAST NAME OF OWNER: PULTE HOME CORP.  
Please Make Checks Payable To: Baltimore County  
04A040059N1CHRC  
PB 0003158PM11-13-92 \$500.00  
Cashier Validation

## CERTIFICATE OF PUBLICATION

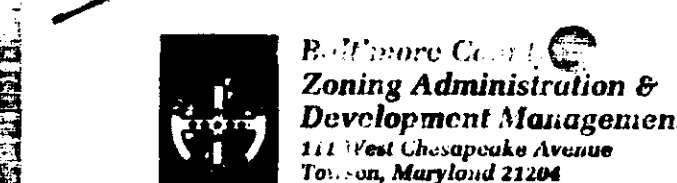
TOWSON, MD., 12/1/92, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/1/92, 1992

THE JEFFERSONIAN,

S. Zake Olson  
Publisher

\$131.02



receipt

Date: 12/1/92 H#000173  
PUBLIC HEARING FEES QTY PRICE  
080 - POSTING SIGNS / ADVERTISING 1 X \$131.02  
TOTAL: \$131.02  
LAST NAME OF OWNER: PULTE HOME CORP.  
Please Make Checks Payable To: Baltimore County  
04A040059N1CHRC  
PB 0003158PM11-13-92 \$500.00  
Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DATE: 12/1/92

Pulte Home Corporation  
1501 Edgewood Street, #4  
Baltimore, Maryland 21227

RE:  
CASE NUMBER: 93-165-SHA (Item 173)  
N/S Marriottville Road, 1650' W of c/l Lyons Mill Road  
Rolling Ridge - Section 3, 4, & 5  
2nd Election District - 3rd Councilmanic  
Petitioner(s): Pulte Home Corporation  
HEARING: TUESDAY, JANUARY 5, 1993 at 9:00 a.m. in Room 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 131.02 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

[Signature]

ARNOLD JANSON  
DIRECTOR

cc: Newton A. Williams, Esq.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

NOV. 30 1992

(410) 887-3353

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-165-SHA (Item 173)  
N/S Marriottville Road, 1650' W of c/l Lyons Mill Road  
Rolling Ridge - Section 3, 4, & 5  
2nd Election District - 3rd Councilmanic  
Petitioner(s): Pulte Home Corporation  
HEARING: TUESDAY, JANUARY 5, 1993 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve an amendment of the Final Development Plan as shown on the site exhibit. Variance to permit 20 foot building to building separation in lieu of the required 40 feet for heights between 30 feet and 40 feet; for all lots; to permit window to tract boundary separations of 15 feet in lieu of the required 35 feet for lots 253 and 254; to permit side window to street right-of-way separations of 15 feet in lieu of the required 30 feet for lots 253 and 254; to permit side window to street right-of-way separations of 15 feet in lieu of the required 25 feet for lots 112, 116, 124, 147, 150, 151, 153, 168, 169, 171, 186, 196, 202, 203, 207, 215, 217, 226, 237, 260, 263, and 268; to permit 10 foot window to side lot line separation in lieu of the required 15 feet for all lots; and to permit 20 foot side window to side window separation in lieu of the required 40 feet for all lots.

[Signature]

ARNOLD JANSON  
DIRECTOR

cc: Pulte Home Corporation  
Newton A. Williams, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

December 23, 1992 (410) 887-3353

Newton A. Williams, Esquire  
Holan, Plumhoff & Williams  
700 Court Towers  
210 W. Pennsylvania Avenue  
Towson, MD 21204

RE: Case No. 93-165-SPHA, Item No. 173  
Petitioner: Pulte Home Corporation  
Petition for Variance & Special Hearing

Dear Mr. Williams:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 16th day of November 1992.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:  
*W. Carl Richards Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Pulte Home Corporation  
Petitioner's Attorney: Newton A. Williams

DPW/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature *David M. Ramsey* Date 11/30/92

File Number	Waiver Number	Zoning Issue	Meeting Date
✓ Gregg and Joyce Kroeger	164		11-23-92 NC
DED DEPRM RP STP TE			
Baltimore Bar-B Que Management Inc.	165		Comment
DED DEPRM RP STP TE			
✓ Roscoe Phipps	166		NC
DED DEPRM RP STP TE			
American Legion Dept. of MD	167		Comment
DED DEPRM RP STP TE			
✓ Cecelia Escalante	168		NC
DED DEPRM RP STP TE			
✓ Michael J. and Peggy L. Navarre	172		NC
DED DEPRM RP STP TE			
Pulte Home Corporation	173		NC
DED DEPRM RP STP TE			
✓ Clinton and Erika Routh	174		NC
DED DEPRM RP STP TE			
✓ Goldenwood Associates	175		NC
DED DEPRM RP STP TE			
Salvo Road Limited Partnership	177		Comment
DED DEPRM RP STP TE			
✓ Ronald R. and Janet Lee Gaspari	178		NC
DED DEPRM RP STP TE			
COUNT 11			
Richard M. Diotte	155		11-9-92
DED DEPRM RP			

Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Julia Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 173 (MJK)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*David M. Ramsey* 11/9/92  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is \_\_\_\_\_  
Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5052 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Larry Schmidt DATE: December 7, 1992  
Zoning Commissioner, Baltimore County

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Rolling Ridge

INFORMATION:  
Item Number: 173

Petitioner: Jeb Bittner

Pulte Home Corporation

1501 S Edgewood St - Suite K Balto., MD 21227

Property Size: 56.78± Acres

Property Location: Intersection of Marriottsville & Lyons Mill Rd

Zoning: DR 3.5

Requested Action: Variances to reduce distances between buildings;

buildings and tract boundaries.

Hearing Date: 1 / 1

SUMMARY OF RECOMMENDATIONS:

The Petitioner is requesting variances to reduce building to building, and building to tract boundary setbacks for a 56.78± section of the development known as Rolling Ridge. Rolling Ridge contains 275 single-family detached lots. A portion of the site known as Sections 1 & 2 contains roads, water, and sewer and is partially developed. Sections 3, 4 & 5 for which this request is being made has been platted for 165 lots.

The variances being requested are designed to allow for more flexibility in the location of buildings on the lots. Under the regulations in effect at the time of the Rolling Ridge CAC approval a rather complex set of building setbacks was in place. Building setbacks under the old regulations varied between a minimum of 16 feet to a maximum of 40 feet depending upon 1) building height and 2) provision of windows on the side of the buildings. The reduction of setbacks will eliminate these two variables and provide for uniform setbacks throughout these sections of the development.

The Comprehensive Manual of Development Policies (CMDP) as approved by the Planning Board and County Council and as enabled in the Zoning Regulations provides for the setbacks requested by the Petitioner. It was anticipated in the CMDP that existing CAC approved plans might seek the benefit of the

Larry Schmidt, Zoning Commissioner  
SUBJECT: Rolling Ridge - Item No. 173  
December 7, 1992  
Page 2

new variances without having to go through the new development process. As a general rule the Office of Planning opposes undeveloped CAC developments from obtaining blanket variances, however, in cases where the development is under construction this Office evaluates such requests on a case by case basis. In the evaluation of this request the Planning Office requested the following additional information from the Petitioner:

- typical house planting detail;
- typical building setback detail for a sample section; and
- building elevation details for house sidewalls which contain window treatments.

In conducting our analysis staff reviewed the Petitioner's exhibits especially the amended Final Development Plan. The lot widths in these sections (3, 4, 5) excluding cul-de-sac lots are all in excess of 60 feet in width at the street with the vast majority of lots having a width in excess of 65 feet. The typical building setbacks will in all likelihood be 30 feet rather than the 20 feet requested. Some flexibility in orientation needs to be provided and in order to avoid dictating a standard size building for each lot, the variances at the BCZR, CMDP level appear to be appropriate.

Based upon the information provided and analysis conducted, staff recommends APPROVAL of the Petitioner's request subject to the following:

A Revised Final Landscape Plan showing a street tree treatment similar to that provided in the Petitioner's attachment entitled "Rolling Ridge - Typical Street Tree & Foundation Planting" should be reviewed and approved by the Baltimore County Landscape Planner.

*Pat Keller*  
Pat Keller

PK:bjs  
Attachments

DPW/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature *Michael K. D. H.* Date 11/30/92

File Number	Waiver Number	Zoning Issue	Meeting Date
✓ Gregg and Joyce Kroeger	164		11-23-92
DED DEPRM RP STP TE		N/C	
Baltimore Bar-B Que Management Inc.	165		
DED DEPRM RP STP TE		N/C	
Roscoe Phipps	166		
DED DEPRM RP STP TE		N/C	
American Legion Dept. of MD	167		
DED DEPRM RP STP TE		N/C	
✓ Cecelia Escalante	168		
DED DEPRM RP STP TE		N/C	
✓ Michael J. and Peggy L. Navarre	172		
DED DEPRM RP STP TE		N/C	
✓ Pulte Home Corporation	173		
DED DEPRM RP STP TE		N/C	
✓ Clinton and Erika Routh	174		
DED DEPRM RP STP TE		N/C	
✓ Goldenwood Associates	175		
DED DEPRM RP STP TE		N/C	
✓ Salvo Road Limited Partnership	177		
DED DEPRM RP STP TE		N/C	
✓ Ronald R. and Janet Lee Gaspari	178		
DED DEPRM RP STP TE			
COUNT 11			
Stonegate at Patapsco (Aerial Property)			
90476			
ZON DED TE (Waiting for developer to submit plans first)			6-1-92

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director DATE: December 1, 1992  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilson JLP/JP  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #173  
Rolling Ridge - Sections 3, 4 and 5  
Zoning Advisory Committee Meeting of November 23, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.  
Show the approved wetland/stream buffer on the plan.

LP:sp

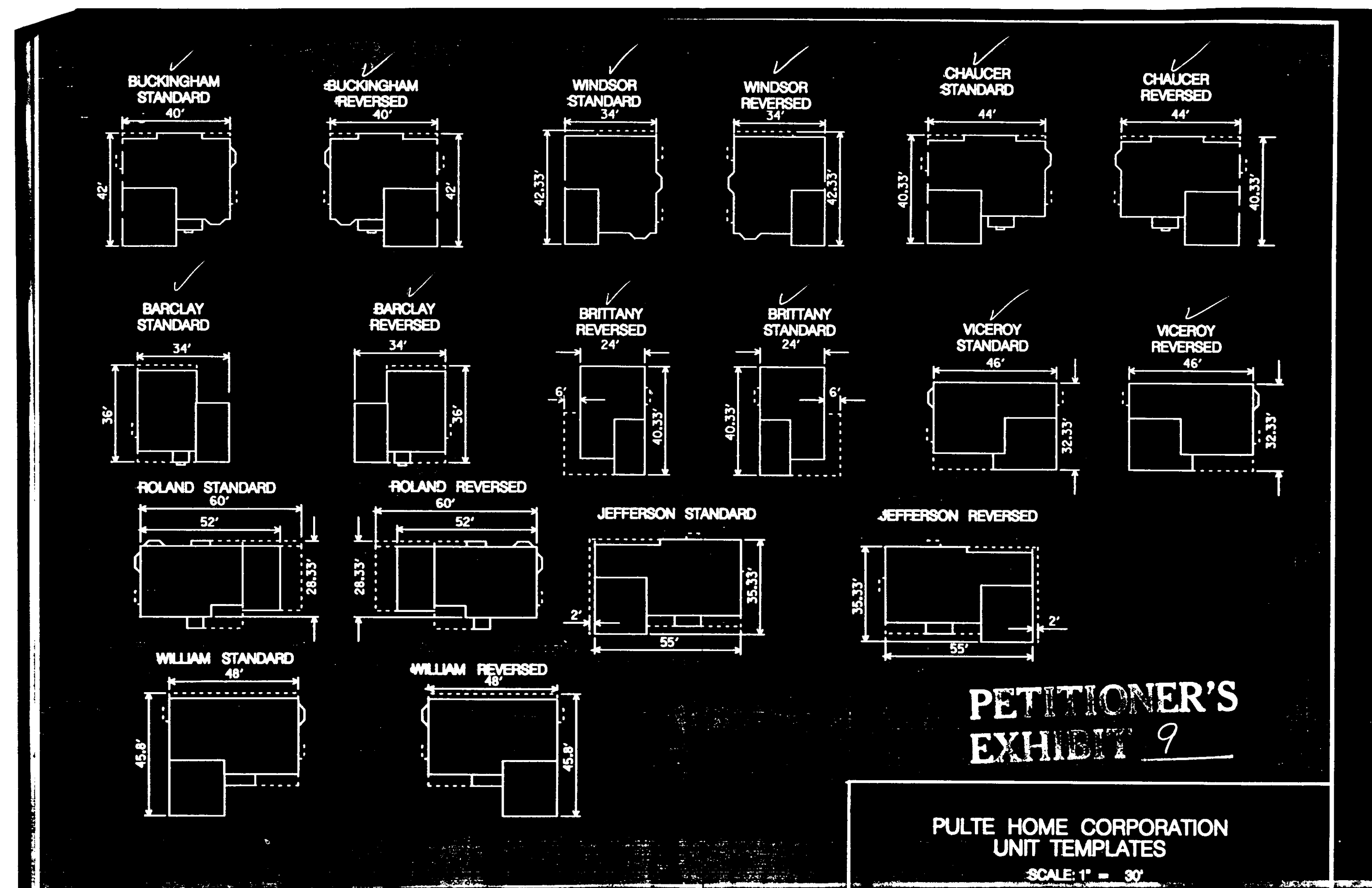
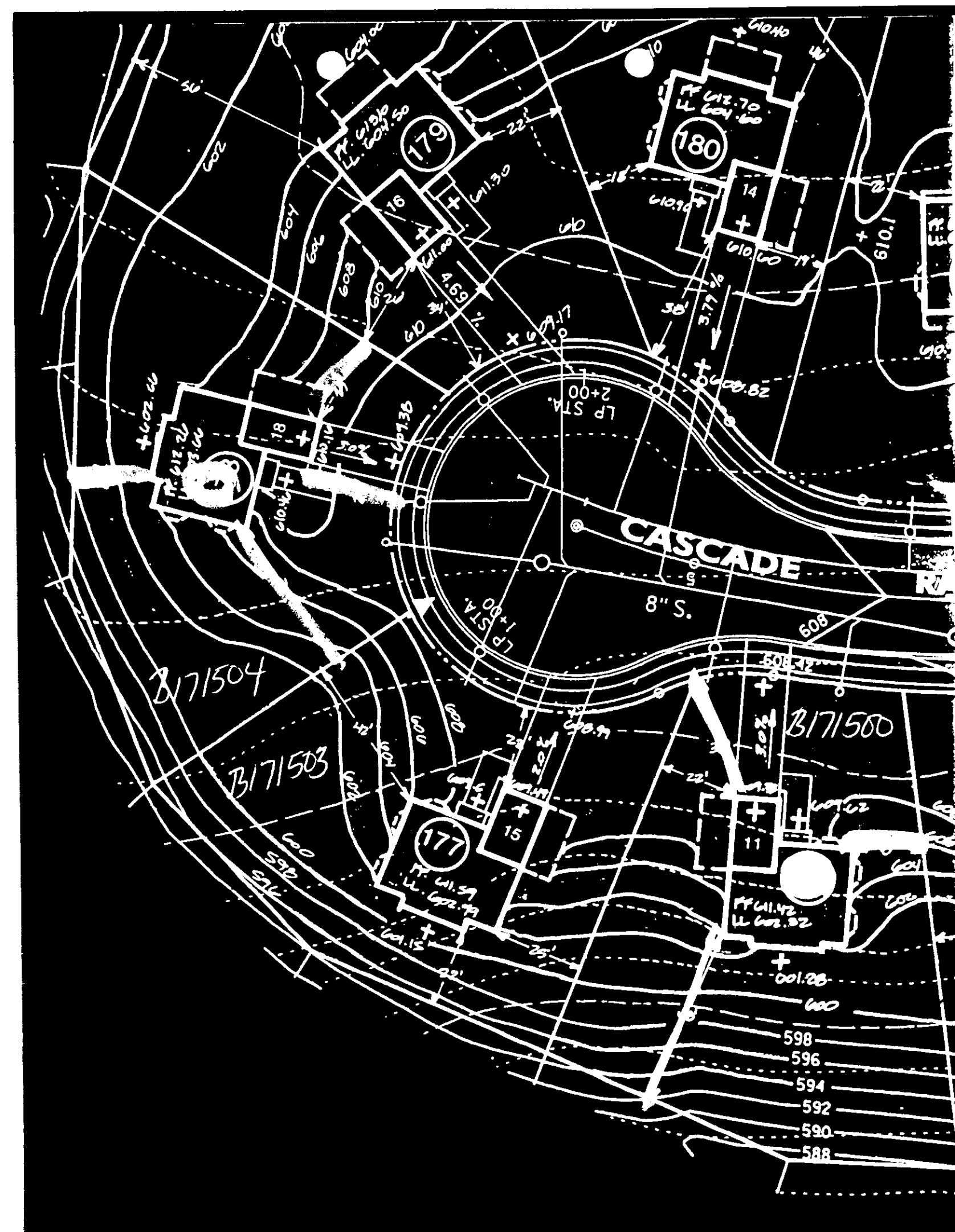
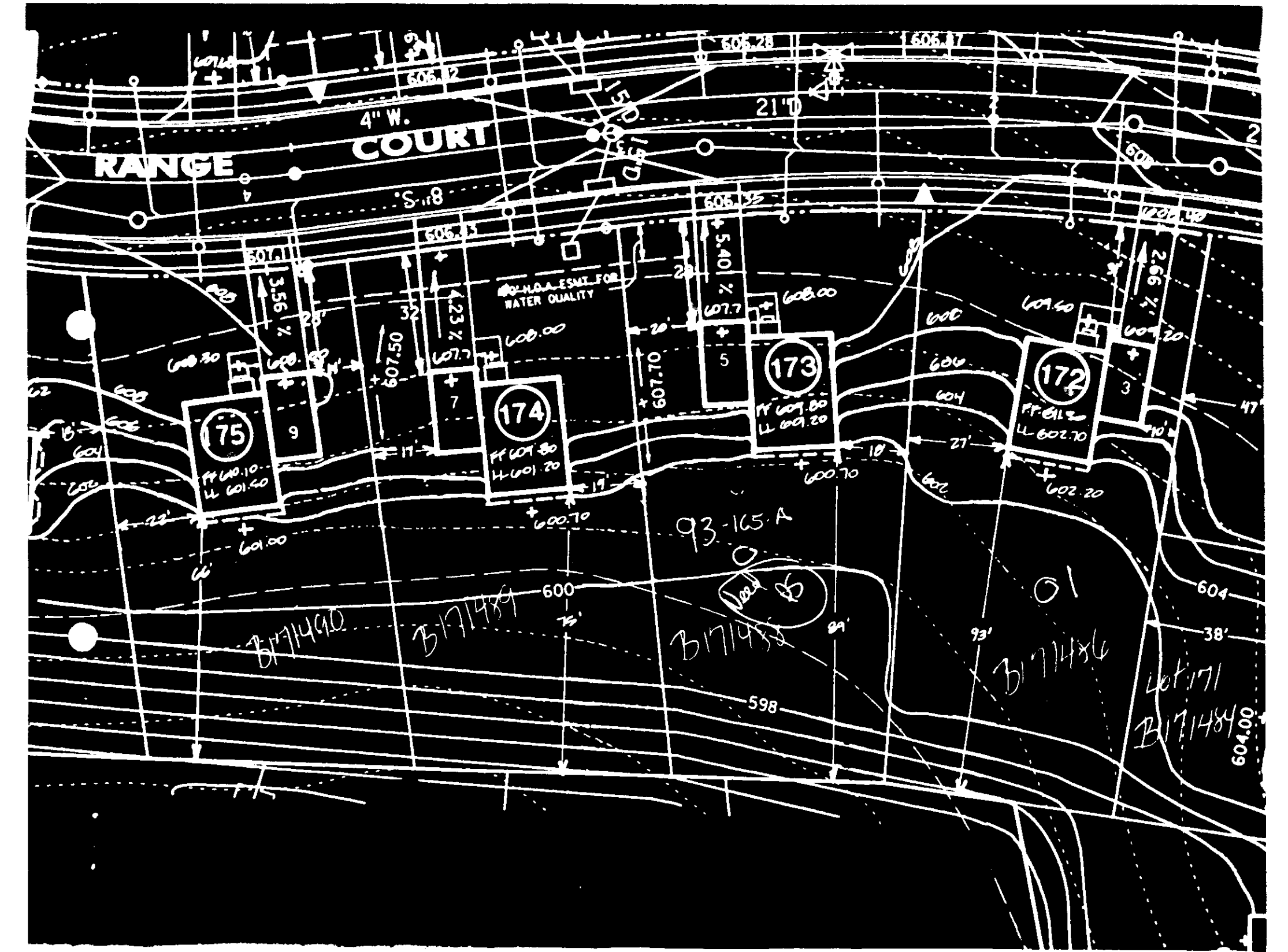
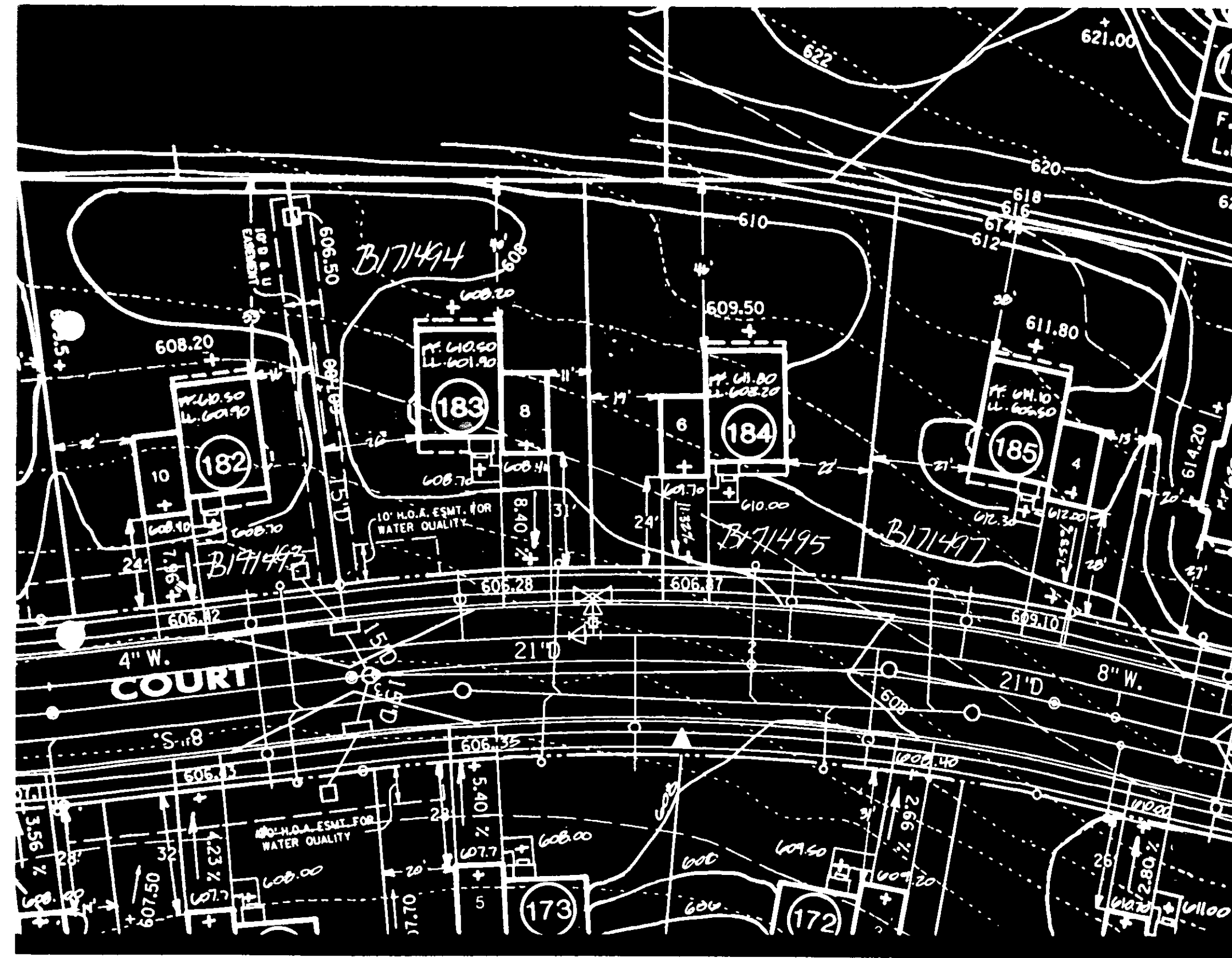
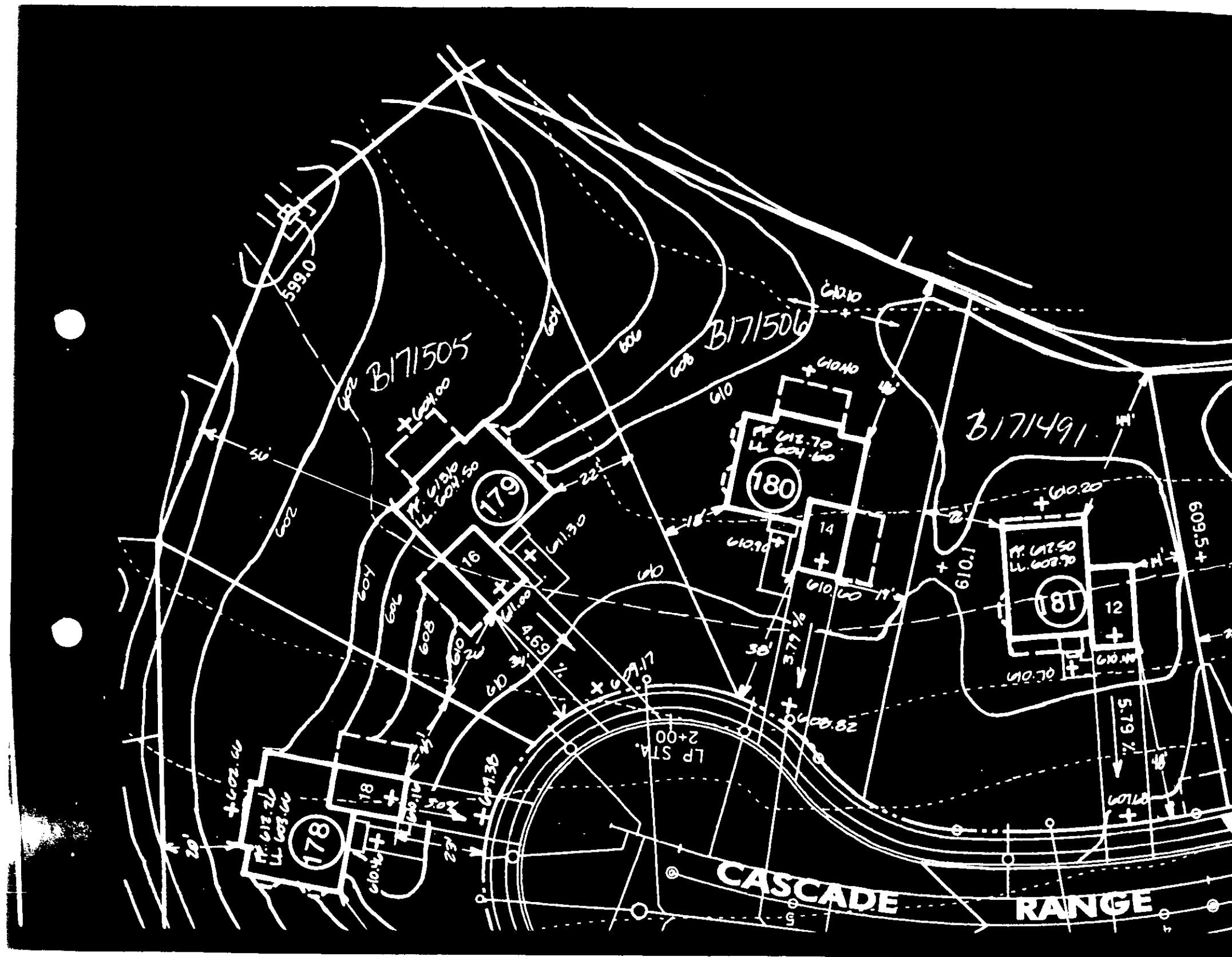
ROLLINGR/TXTSBP

*Rec'd 12/1/92*



<u>NAME</u>	<u>ADDRESS</u>
<u>NEWTON WILLIAMS, ESQ</u>	<u>210 COURT TOWERS 21204</u>
<u>Sam Dem</u>	<u>PETE HOMES 1551 S EXETER ST. 1071</u>
<u>George E. Cavrelis</u>	<u>DMW 200 E Penn Ave</u>
<u>Dick Baumer</u>	<u>DMW 200 E Pennsylvania Ave.</u>

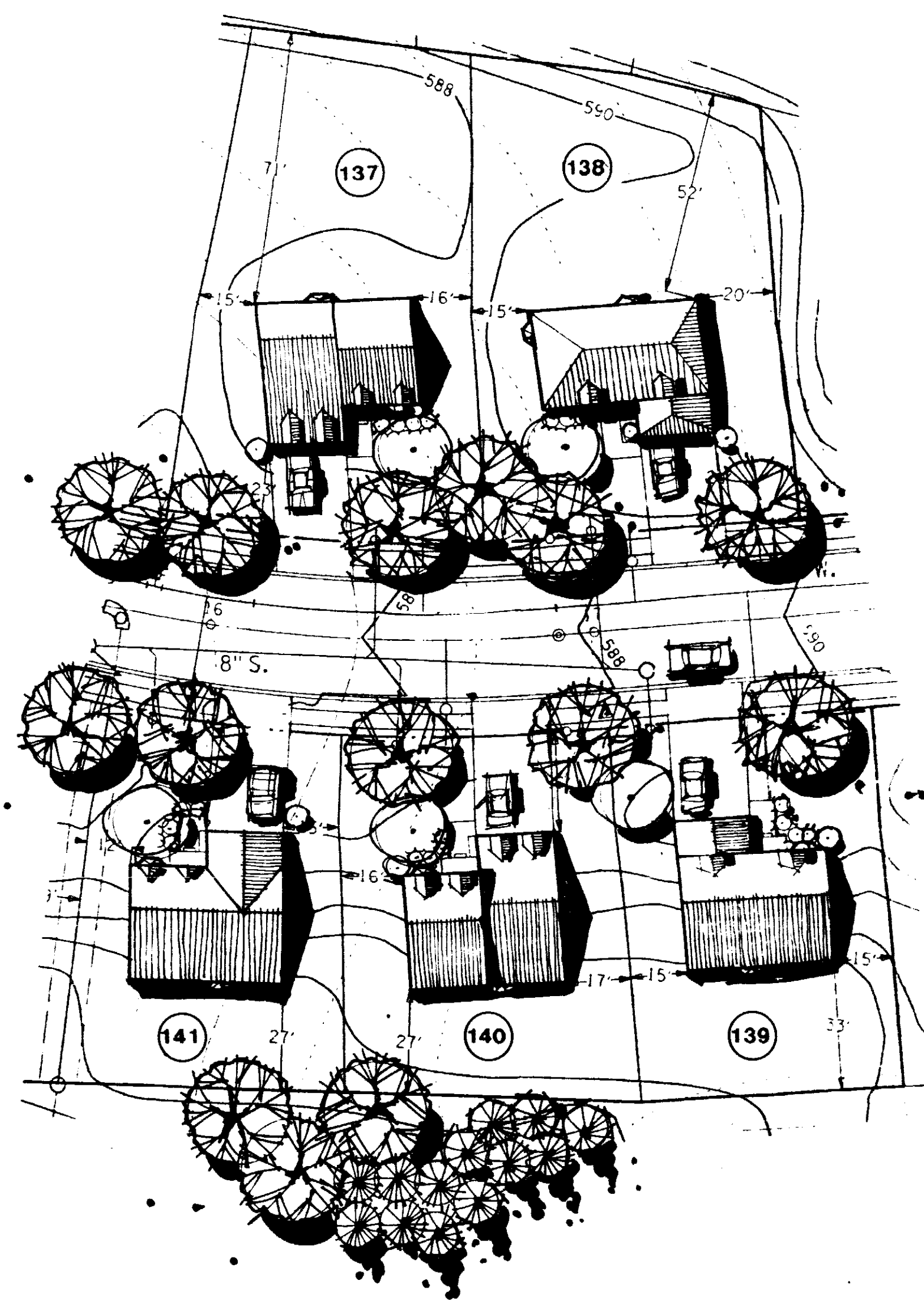












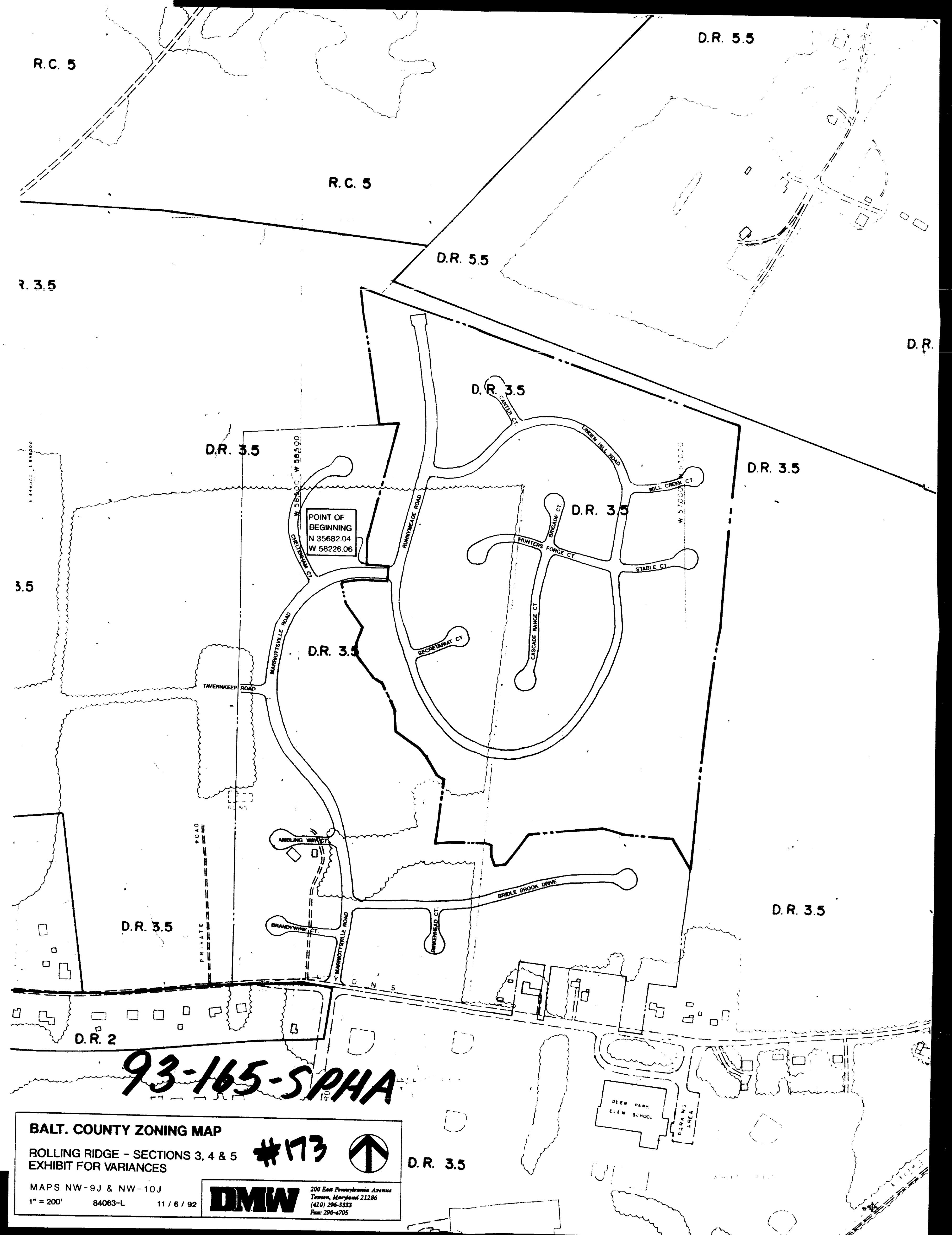
Typical Street Tree & Foundation Planting  
**Rolling Ridge**

Scale: 1"=30'-0"

Project No. 84063-L

**PETITIONER'S  
EXHIBIT 2**

**DMW** Dept. McQuay-Norris, Inc.  
200 E. Pennsylvania Avenue  
Towson, Maryland 21204  
(410) 296-5552  
Fax: 296-4705



**BALT. COUNTY ZONING MAP**

ROLLING RIDGE - SECTIONS 3, 4 & 5  
EXHIBIT FOR VARIANCES

MAPS NW-9J & NW-10J

1" = 200' 84063-L 11 / 6 / 92

**DMW** 200 East Pennsylvania Avenue  
Towson, Maryland 21204  
(410) 296-5552  
Fax: 296-4705